

Pollution and Religion in Ancient Rome



JACK J. LENNON

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POLLUTION AND RELIGION IN ANCIENT ROME

Pollution could come from any number of sources in the Roman world. Bodily functions, sexual activity, bloodshed, death – any of these could cause disaster if brought into contact with religion. Its presence could invalidate sacrifices, taint religious officials, and threaten to bring down the anger of the gods upon the city. Orators could use pollution as a means of denigrating opponents and obstructing religious procedures, and writers could emphasise the ‘otherness’ of barbarians by drawing attention to their different ideas about what was or was not ‘dirty’. Yet despite all this, religious pollution remained a vague concept within the Latin language, and what constituted pollution could change depending on the context in which it appeared. Calling upon a range of research disciplines, this book highlights the significant role that pollution played across Roman religion, and the role it played in the construction of religious identity.

JACK J. LENNON received his PhD from the University of Nottingham and has since taught at various academic institutions, most recently as Teaching Fellow in the Department of History, University College London. His interest is in ancient history, particularly pre-Christian Roman religion and magic, and especially the phenomenon of pollution and ritual impurity. His research frequently aims to integrate the theories of modern anthropology alongside those of ancient history and philology in order to explore beyond the traditional limits of classical scholarship. In addition to studying the nature of pollution within religion, he is also interested in the wider cultural perceptions of dirt and cleanliness across ancient Roman society.

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For Clare

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Preface

This book explores the presence and perception of pollution in pre-Christian Roman religion, and the ways in which Roman authors imagined, expressed and ultimately reacted to, things they thought were impure. It had its origins in a PhD thesis at the University of Nottingham, which was initially supposed to be about purification rituals in Roman religion. I abandoned this idea relatively early on, as I came to believe more and more that the issue of pollution was in far greater need of detailed examination. Looking back, I am relieved to say that I am as convinced of this now as I was when I began. While the death of Mary Douglas in 2007, just weeks before she was due to speak at a conference on pollution at the British School at Rome, dealt a great blow to the subject, it also renewed the discussion of her life's work and theories. I was fortunate enough to attend the conference, and the wide range of topics under discussion made the need for a comprehensive study of Roman pollution all the more apparent.

I owe a great debt of gratitude to a number of people who have helped to bring this work to fruition, but none more so than Mark Bradley, who has been involved with this project from its conception and provided extensive support and advice. Special thanks must also go to Ken Dowden, John Drinkwater and Doug Lee, and to the anonymous readers of Cambridge University Press, whose helpful comments have augmented this study significantly. A number of others have greatly improved this book, whether by discussing specific issues (sometimes at length), offering advice, listening to papers, or providing me with drafts of their own ongoing research. In particular I wish to thank: Carl Buckland, Debbie Felton, Hamish Forbes, Ellie Glendinning, Wolf Liebeschuetz, Dunstan Lowe, Judith Mossman, Agnès Nagy, John North, Robert Parker, John Rich, Rebecca Usherwood and Nick Wilshire. Finally, I must thank my family for their constant support throughout this lengthy process.

Introduction

ad divos adeunto caste, pietatem adhibento, opes amovento. qui secus faxit, deus ipse vindex erit.

They shall approach the gods with purity, they must bring piety, they must leave offerings. Whoever acts contrary to this, the god himself will take vengeance on him.¹

(Cicero, *De Legibus* 2.19)

These commands are the first in a long list of religious laws set down by Cicero, as part of a legislative programme which he suggests would form a stable, regulated society. Before defining which gods should be worshipped and in what manner, before setting out which days must be sacred and the offerings that must be made, his stipulation is clear – purity must be assured. In the field of religion it walked hand-in-hand with piety as a demonstration of the respect due to the gods. It was also the first condition that must be met before any situation where humans and gods meet.

The *De Legibus* attempted to define a society held together by structure and order, and in formulating the laws regarding religion Cicero appears to have been influenced by the laws and customs of his own society.² Bodily purity represented the first crucial step within the religious framework he sets out, but Cicero was anxious to stress that ‘purity’ should refer to more than mere bodily cleanliness or sexual abstinence, and should also include the purity of the soul. Bodily impurity, he argued, could be easily rectified through the sprinkling of water, or by the passage of a predetermined number of days. A stain upon the spirit, however, could be cleansed by neither of these actions, and, since Cicero believed that this was of greater importance, he argued that greater care must be taken of its condition.³ He went even further in his work *De Natura Deorum* in drawing a link

¹ Unless stated otherwise, translations provided throughout are mine. All abbreviations follow those listed in the *Oxford Classical Dictionary* (3rd edn, revised).

² Cic. *Leg.* 2.23; Rawson (1973: 334–56); Powell (2001a: 17–39). ³ Cic. *Leg.* 2.24.

between purity and piety, stating that ‘our worship of the gods is the greatest and purest (*castissimus*), the most venerable and full of piety, as we always venerate them with a pure (*pura*), complete and uncorrupted mind and voice’.⁴

Two points are immediately apparent from these statements. First, they demonstrate that purity mattered in Cicero’s view in order to assure a successful relationship with the gods, an issue that lay at the heart of Roman religion. Second, ideas of purity could be expressed in more than one way and could be applied to a variety of different things. Since purity appears to have been such an important factor within Roman religion, the issue of religious pollution deserves some consideration. Was pollution a definable entity? How serious an issue was it? If asked, could a Roman citizen of the Republic or early Principate describe it in any clear way? In everyday Roman life one could be marked with dirt, mud, blood or any number of other substances without being ‘polluted’, just as one could be free from such things without being ‘pure’. Purity and pollution were not direct opposites of one another, but rather were two states considered ‘different’ from normality.⁵ So why was purity stressed so vigorously in religion? What did participants in rites hope to accomplish through achieving a state of purity beforehand? For the purposes of the *De Legibus*, Cicero suggested that the threat of divine retribution would help to ensure conformity within his ordered society by the strengthening of religious authority.⁶ Many ideas about what is dirty or contagious are cultural constructs and all are amplified within the sphere of religious ritual. As a result the idea of purity works well with that of conformity. Order is imposed upon the people by pressuring them into conforming to shared ideas of purity.

Cicero’s ideas on the good life suggest that the struggle to maintain this purity required constant vigilance. He implies that pollution could be incurred by any number of means, and that it might not be easily removed. This depended on the nature of the pollution, as well as the religious context in which it occurred. Cicero was writing a philosophical work encouraging the cultivation of the soul (hence his stress upon spiritual purity), as well

⁴ Cic. *Nat. D.* 2.71 (*cultus autem deorum est optumus idemque castissimus atque sanctissimus plenissimusque pietatis, ut eos semper pura integra incorrupta et mente et voce veneremur*); Dyck (2004: 290–2).

⁵ Bendlin (2007: 178–9). Susan Cole has also stressed that ‘the vocabulary of purity overlapped the vocabulary of cleanliness, but the two states . . . were not the same’; Cole (2004: 36). Cf. Neumann (1992: 71–5).

⁶ Cic. *Leg.* 2.25.

as demonstrating the virtues of a society dominated by law.⁷ The idea was repeated in the *De Divinatione*, where he suggested that a man whose spirit was 'pure and clean' (*castus . . . purusque*) was better placed to receive and interpret the messages of the gods.⁸

In practice, however, it was bodily purity that mattered most.⁹ The customs of *pietas* dictated that Aeneas could carry his father out of Troy while stained with the blood of recent battle, but he refused to touch the images of his household gods until he had cleansed himself in a stream.¹⁰ Similarly, before the sacrifice of an animal, a religious official in Livy urged the dedicator to wash in running water (*vivum flumen*) in order to ensure the successful completion of the offering.¹¹ For Cicero, Virgil and Livy the result of impurity, whether physical or spiritual, remained the same; the person became unfit to approach the gods or to offer sacrifice. Cicero's ideal world is one of order, where citizens maintained bodily purity, but devoted the majority of their time to spiritual purity. In practice, however, a show of physical cleansing might be all that was required to meet the immediate demands of ritual purity.

This is an opportune time for a study of pollution in ancient Rome, because the subject has shown various forms of resurgence in recent years. Valerio Valeri's *The Forest of Taboos* (2000) re-evaluated much of the existing scholarship on impurity from the world of anthropology, discussing a huge volume of material on pollution concepts across human culture. Even more recently, Ron Barrett has applied established theories of pollution to various Hindu sects and the purifying roles of the Ganges, demonstrating the social complexities that must be understood in any study of the dangers associated with dirt. This has been accompanied by a number of scholarly and popular works from the fields of sociology and biological/hygiene studies, such as Virginia Smith's *Clean: a History of Personal Hygiene and Purity* (2007).¹² The death of Mary Douglas, the subject's leading figure, in 2007 just weeks before she was due to give a keynote address at the British School at Rome on pollution in the ancient city also led to widespread discussion of her work. Her career spanned over fifty years in which she made

⁷ North (2000: 25) stresses that the *De Legibus* presents us with Cicero's philosophical society, not necessarily with the Rome of the late Republic. Indeed, much of Cicero's theory came from pre-existing Greek philosophical ideas of 'spiritual purity', although Powell (2001a: 26) also notes a number of innovative ideas within the text. Moulinier (1952: 168–71) examines the use of purity within Greek philosophy, and the clear distinctions between ideas of clear/unmingled when referring to physical substances on the one hand, and philosophical truth on the other.

⁸ Cic. *Div.* 1.121. ⁹ Scheid (2003: 26–7).

¹⁰ Verg. *Aen.* 2.717–20. The scene mirrors Hector's refusal to offer libations at Hom. *Il.* 6.263–9.

¹¹ Liv. 1.45.

¹² See also Curtis (2001: 17–31; 2007: 660–4); Ashenburg (2008: especially 15–47).

numerous contributions to the study of impurity in human society. The proceedings of the conference, *Rome, Pollution and Propriety: Dirt, Disease and Hygiene in the Eternal City from Antiquity to Modernity* (2012), cover over two millennia of the city's history, and demonstrate how Douglas' ideas on the classification of pollution remain potent decades after their initial conception.

Aside from this most recent development, the issue of purity in Roman society has received surprisingly little attention to date, even in the heavily debated field of religion. Although the publication of Robert Parker's ground-breaking *Miasma* (1983), on pollution in archaic Greek religion, should have inspired study and discussion across classical scholarship, the subject has remained surprisingly stagnant. The central aim of this study, therefore, was to provide a comprehensive examination of the key forms of impurity that existed in ancient Rome. Although pollution within Roman society as a whole requires greater attention, this investigation will centre primarily on those areas of purity/pollution that concern religious ritual. Due to the nature of this subject and the limitations of evidence, the focus will be predominantly literary and concerned with the periods of the late Republic and early Principate. While sources from the Christian era are discussed where relevant, it has been necessary to omit detailed analysis of Christian perceptions of pollution, which would itself require a lengthy and detailed examination. In particular this study aims to integrate theories derived from anthropological research, where the subject has received more widespread consideration, with the traditions and approaches of classical scholarship. It aims to demonstrate that the language employed across ancient literature is an essential tool in interpreting a society's own understanding of its values. Such a study must begin, however, with a more general evaluation of scholarship regarding issues of purity and pollution in human societies.

Modern approaches

Anthropology

Since its publication in 1966, Mary Douglas' *Purity and Danger: an Analysis of Concept of Pollution and Taboo* has remained the single most important work in the study of impurity across human culture. Using fieldwork gathered among the African Lele, combined with an in-depth study of the Hebrew text *Leviticus*, Douglas set out a template for the evaluation of dirt and pollution which she continued to refine throughout her extensive

career.¹³ Her most fundamental theories were based around the classification of dirt as ‘matter out of place’, which suggested both ‘a set of ordered relations and a contravention of that order’.¹⁴ This rejected the existing, outdated interpretation of the time, that dirt was the result of internalised shame/guilt within the ‘savage’ individual, and which was treated (in Douglas’ summarisation) as ‘irrational and beyond analysis’.¹⁵ Douglas’ own structuralist ideas stemmed from the theories of Émile Durkheim, which argued that religion demonstrated and reaffirmed the values of a society, rather than the fears and taboos of the individual.¹⁶ This led her to seek an explanation for why a specific society classified a particular being or substance as impure. If impurity was disorder, these cases gave crucial information concerning what society prized as order.¹⁷ Douglas also argued that public demonstrations recognising and dealing with a perceived danger helped to ‘enforce conformity’ amongst members of the same group.¹⁸ As a result, when we see public demonstrations connected with purity in ancient Rome we should not view them as isolated events, but rather as part of a continuing discourse in which Roman society constantly re-evaluated and readjusted its cultural principles. Religious rituals, or rather the literary and historical reports that described them, are therefore an ideal medium through which to interpret notions of purity and impurity, and so of order and disorder.

Central to Douglas’ theory was the role of boundaries in the creation and maintenance of order. The symbolism of the human body was critical to understanding these boundaries:

The body is a model which can stand for any bounded system. Its boundaries can represent any boundaries which are threatened or precarious. The body is a complex structure. The functions of its different parts and their relation afford a source of symbols for other complex structures. We cannot possibly interpret rituals concerning excreta, breast milk, saliva and the rest unless we are prepared to see in the body a symbol of society, and to see the powers and dangers credited to social structure reproduced in small on the human body.¹⁹

¹³ See also Douglas (1975: 106–15; 1996: especially 72–91; 1998: 5–12; 1999: 33–45); Neusner (1973: 119–130); Harrington (2004: 71–127); Moore (2009: 270–84).

¹⁴ Douglas (1966: 8–50 at 44).

¹⁵ Douglas (1975: 108); Webster (1942: 14). This view was influential in the study of ancient Greek pollution in the early to mid-twentieth century; cf. Dodds (1951: 28–63).

¹⁶ Douglas (1966: 24–9); Metcalf and Huntington (1991: 28–9).

¹⁷ Douglas (1966: 24–7, 80–2); Fardon (1987: 4–6). ¹⁸ Douglas (1966: 45, 49).

¹⁹ Ibid. 142. For anthropological works employing theories of bodily symbolism, see also Zuesse (1974: 482–504); Meigs (1984: 125–36); Mullin (1996: 509–24); Valeri (2000: 70–83); Bowie (2006: 40–5);

The body's emissions transgress its orifices, which are therefore perceived as vulnerable, and imbued with both a sense of power and/or danger.²⁰ *Leviticus* lists any form of bodily discharge as ritually unclean, and requiring various acts of purification to protect the community from accidental defilement of sacred places, which would result in divine retribution.²¹ Natural human processes such as birth and death involved members of the community losing control over the flow of emissions, or marked a breach in the order of the body, the danger of which was expressed in terms of pollution and disorder.²²

Some have accused Douglas of oversimplification in trying to define a universal pattern of behaviour regarding dirt, and she later revised many of her theories concerning the interpretations of *Leviticus*.²³ Valeri, in particular, stressed the danger of referring to a single system of order, when in fact it is more accurate to view ideas about dirt as operating within 'many coexisting orders of classification; what is residual to one may be central to another'.²⁴ However, Douglas' ideas have remained a key starting point for subsequent studies, and have also been refined over the years, usually as a result of anthropologists reacting to phenomena within their chosen society of study.²⁵ One prominent example of this appears in the work of Anna Meigs, on the Hua of New Guinea and modern North American culture.²⁶ Meigs places greatest emphasis on the body as the source of pollution, focusing on fluids (sweat, blood, saliva, etc.) as well as hair and fingernails. Each of these substances, according to the Hua, carry the *nu* (life essence) of the person they stem from, and this power may be considered dangerous to others. Meigs sums this relationship up as 'anything which is *nu* or a form of it can be polluting – anything that is polluting is a source of *nu*'.²⁷ Since each of these substances derives from the body, Meigs takes this idea further by arguing that behind every pollution taboo lies the fear of death.²⁸ Blood,

Shilling (2003: 64–6); Cole (2004: 30–65); Gregory (2007: especially 23–6); Barrett (2008: 25–6, 164–6).

²⁰ For example, Miner (1956: 503–7). ²¹ *Leviticus* 15.1–32.

²² Parker (1983: 61); Mullin (1996: 514); Schott (1988: 37).

²³ Douglas (2001), with critical analysis by Klawans (2003: 89–96; 2006: 45–6). Cf. Kirk (1981: especially 43–7); Wright (1987: 5–9); Fuller (1996: 1–31). On the problems and limitations of comparative theory in anthropology, see Eggan (1954: 743–63), who stresses the need for comparisons to be made with awareness of their specific cultural framework, under which criteria the rituals and anecdotes regarding purity across the ancient world become most relevant to Rome as part of the wider tradition of purity in the Mediterranean.

²⁴ Valeri (2000: 71). ²⁵ Fardon (1987: 6); Kirk (1981: 47). ²⁶ Meigs (1978: 304–18; 1984).

²⁷ Meigs (1978: 307). On pollution from bodily emissions, see Stevenson (1954: 45–65 at 63); Harper (1964: 169); Cole (2004: especially 34–7); Attridge (2004: 72–3).

²⁸ Cf. Parry (1982: 74–110; 1994: especially 151–90); Hallam, Hockey and Howarth (1999: 26–7); Barrett (2008: 164–5).

saliva and all other bodily fluids function correctly within the body, and while still attached, hair and fingernails continue to grow as normal. Upon disconnection with the body the link with the body's vitality is severed, and so the substances begin to decay, sometimes visibly; in effect, they die. The greatest threat posed by these substances is through their potential to gain unwanted access to another's body. In illustrating this, Meigs uses Douglas' own examples of muddy shoes on a dining table or hair in a bowl of soup, contrasting them with toys, paper towels and clothing, all of which are 'out of place' on a dining table, but do not arouse the same feeling of revulsion as the shoes or hair. These non-threatening forms of disorder are reclassified as 'mess' by Meigs, while the shoes, which may introduce faeces, saliva or rubbish from the streets into the food we eat, naturally give greater cause for alarm.²⁹ In the words of C. S. Lewis, 'Minerals are clean dirt. But the real filth is what comes from organisms – sweat, spittles, excretions . . . The impure and the organic are interchangeable conceptions.'³⁰

The pivotal role of classification in Douglas' theory complemented the earlier anthropological work of Arnold Van Gennep's *Rites of Passage* (trans. 1960). Van Gennep saw human relationships as occurring within a clearly defined set of boundaries. Important social actions and events involved transference across one boundary to another. This began with a stage of separation, followed by a period of transition, during which phase the subject was said to be in a 'liminal' state, and culminated in successful reintegration of the person, or persons, back into everyday society. Typically such liminal periods between separation and reintegration coincided with periods of danger or susceptibility for the subject and those around them, and so rituals were put in place to protect them during their rites of transition and subsequent reintegration. For example, the period in which a bride was transferred from her father's household to her new husband's was considered a liminal period. The crossing of boundaries, in this case typically the threshold of the new home, was accompanied by prophylactic signs and actions to protect the bride, maintain her fertility and prevent danger accompanying her over the threshold.³¹ More crucially, in the removal of the corpse, a period of time passed in which the deceased was between two vital stages of being, no longer one of the living, yet not fully one of the ancestral dead.³²

²⁹ Meigs (1984: 99–113). Cf. Bloch (1982: 219); Strathern (1982 126); Parry (1985: 212–30); Valeri (2000: 100–5).

³⁰ Lewis (1945: 232). ³¹ Van Gennep (1960: 1–14, 116–45).

³² Hertz (1960: 46); Metcalf and Huntington (1991: 81–2).

This stress on the perceived danger resulting from liminality brings us to the second major source of pollution identified by Douglas. This concerns substances and, in particular, beings, which are viewed by wider society as liminal in and of themselves, those things that Victor Turner classified as 'betwixt and between'.³³ In *Purity and Danger* this theory was tested on the various taboos and impurities attributed to animals in *Leviticus*. In her original thesis Douglas supposed these to be the result of the animals' anomalous physical form (i.e. those animals which are cloven-hoofed, but do not chew the cud). She withdrew this theory later, however, stressing instead the nature of animals accepted for eating as those that were acceptable for sacrifice on the altar. 'Non-ruminants going on four legs are unclean in a strictly technical sense, meaning that they can neither be sacrificed or eaten.' They are not unclean, merely abominable, which she takes simply to be an instruction to avoid.³⁴ This did not alter the main principles of 'the anomalous' espoused in *Purity and Danger*, however. The interpretation of dirt as 'matter out of place', and of an increased danger resulting from boundary transgression still stands. A clearer example, and one with particular significance in Roman religion, is that of 'monstrous births' (i.e. those born sexually androgynous or with extraneous limbs). Such beings crossed natural boundaries (particularly those of gender) irrevocably, and were considered deeply alarming omens. Under the Republic their discovery was considered a matter for religious specialists, and their removal was executed in a way that coincided with an expression of purification – usually by their being thrown into the sea or burned to death.³⁵ As neither clearly male nor female, the hermaphrodite was permanently between classifications, and so subject to Victor Turner's 'negative characteristics' for liminal beings: 'They have no status, property, insignia, secular clothing, rank, kinship position, nothing to demarcate them structurally from their fellows.'³⁶ Society, and especially the immediate family, was unable to readjust to allow for their total integration, and so they threatened social structure as a whole.

In recent years the socio-centric theories of Douglas have also come under scrutiny (and criticism) from specialists in the fields of biology and

³³ Turner (1979: 236); Parker (1983: 62–4); Roscoe (1996: 204).

³⁴ Douglas (1966: 68), revised in the Routledge Classics edition of *Purity and Danger* (2002: xiv–xvi).

³⁵ Cic. *Div.* 98; Obsequens, 3, 12, 22, 25, 27a, 34; Macbain (1982: 127–35); Allély (2003: 127–56); Engels (2007). The religious fear attached to such omens appears to have faded over time, and by the first century AD Pliny noted that although they were once feared, hermaphrodites were now used for entertainment; Plin. *HN* 9.4, 11.261–2.

³⁶ Turner (1979: 237) stresses the importance of sexual distinctions in societies dominated primarily by 'kinship institutions'. The patterns of behaviour expected of a particular sex cannot be employed with full confidence, nor can the child's role within the family unit be assured.

psychology, notably Kevin Reinhart and Val Curtis. Rejecting Douglas' scepticism regarding what she termed 'medical materialism', Curtis argues that disgust stems not from a desire for social order, but from deeply embedded genetic and evolutionary imperatives.³⁷ In particular, uniformity in human expressions of disgust, combined with patterns amongst those substances which are considered unclean, suggests a biological motivation aiming to protect the human body from harmful substances, especially those which result in sickness and disease.³⁸ For Rozin and Fallon, this danger revolves primarily around the mouth and the fear of 'oral incorporation of an offensive object'.³⁹ The offensive objects typically have their origin within the human body, but their findings clash somewhat with the theories of Curtis, in that they suggest an 'absence of disgust' during the first formative years of a child's development, with disgust towards various objects and substances increasing over time.⁴⁰ While biologists and psychologists at times distance themselves from Douglas' theories (which have obvious problems when applied universally), the argument has, perhaps, been taken too far. It is impossible to deny the obvious biological causes behind physical demonstrations of aversion, or fail to note the frequency with which bodily functions and excretions are received with disgust. Following much of Douglas' theory, similar conclusions were reached by Meigs regarding the ingestion of 'powerful' substances from the body amongst the Hua. Yet to suggest the biological reaction is universal is equally problematic. Furthermore, it is difficult to measure the extent to which our reactions are learned from those around us. Young children can be seemingly oblivious to much of the 'dirt' with which they come into contact. In matters of religious pollution and prohibition, these issues present a less significant obstacle. Indeed, many of the causes or sources of religious pollution are not tied to the category of 'disgust' on which biologists tend to concentrate. The symbolism attached to prohibitions or requirements remains a significant approach for interpreting social values or beliefs. As more evidence regarding Roman attitudes is evaluated, it may be that application of Douglas' theories is indeed viable.

³⁷ Curtis (2001: 17–31; 2007: 660–4). Reinhart (1990: 1–24) examines Islamic religious laws regarding purification and notes the potential limitations of Douglas' theories being applied across all cultures.

³⁸ Rozin and Fallon (1987: 23–41); Phillips *et al.* (1997: 495–8; 1998: 373–5); Curtis (2001: 21–6); Smith (2007: 8–44 especially 11–17). For biological and social reactions to smells, and the links to hygiene, cf. Poiret (1998: 89–102).

³⁹ Rozin and Fallon (1987: 23–5). Cf. D'Arms (1984: 328); Izard (1991: Chapter 12).

⁴⁰ Rozin and Fallon (1987: 33–5).

Ancient pollution

In 1983, using the recent theories offered by Douglas, as well as those of Durkheim and Van Gennep, Robert Parker set about creating a systematic and comprehensive model of pollution within ancient Greek society. His work aimed to advance the study of Greek pollution beyond the vague notions of shame and guilt culture, developed most notably in the 1950s by Eric Dodds.⁴¹ Using this structuralist template, Parker asked a number of questions which have to be addressed in any assessment of pollution in a given society. Most crucially, the issue of what constitutes ‘pollution’ must be defined in order to establish the scope of the investigation. The function of pollution within a society is also significant, and may vary depending on context. Frequently referring to examples from Greek tragedy and philosophy, Parker considered whether pollution represented ‘a literary mechanism or a living preoccupation’. Similarly, was it a pretext or might it be a genuine cause for war? In all such cases he noted the need to recognise what he termed the ‘unchallengeable validity’ wielded by pollution in such situations.⁴²

He focused initially on Greek language, combining anthropological theory with philology. At the centre of his investigation were the Greek terms *miasma* and *agos*. While observing that the verb *miainō* might refer to corruption in a wide variety of forms (e.g. damage to personal reputation or social justice), he noted that the noun *miasma* (and its adjective, *miaros*) most frequently carried three related consequences: ‘it makes the person affected ritually impure, and thus unfit to enter a temple: it is contagious: it is dangerous, and this danger is not of familiar secular origin’.⁴³ However, Parker was careful to follow Douglas in rejecting as a universal concept the idea that the sacred and the unclean were interchangeable in so called ‘primitive’ society. Such ideas had been put forward before, in studies of Polynesian taboo, by leading religious scholars of the early twentieth century such as Mircea Eliade, and appear to be unsupported in the wider debate on social pollution.⁴⁴ This is not to say that things deemed to be sacred are not subject to rules and regulations. Eliade, Douglas and Parker all note the ambivalence inherent to the Latin term *sacer*, which even Roman sources understood could signify either sacred or accursed.⁴⁵ The noun *agos* (cursed) is frequently grouped together with *miasma*, and although

⁴¹ Dodds (1951: 35–48); Parker (1983: 1–3). ⁴² Ibid. ⁴³ Ibid. 3–17.

⁴⁴ Douglas (1966: 11); Eliade (1958: 14–15; 1959: 20–4).

⁴⁵ Eliade (1958: 15–19); Douglas (1966: 10); Parker (1983: 12). For *sacer*, see Macrobian *Sat.* 3.7.5; Serv. *Aen.* 3.75; Warde-Fowler (1911a: 57–63); Bennett (1930: 5–18).

Parker demonstrated their separate development, he also acknowledged their eventual convergence. Favouring the theory that *agos* stemmed from *hagnos* (sacred), he argued that this word was more specifically concerned with those offences that linked pollution in some way to the divine. His example was the unburied corpse, which exudes *miasma*, but which results in *agos* only if a survivor denies it burial, or the murderer, whose crime causes *agos* only if it is perpetrated within divine precincts.⁴⁶

After establishing the linguistic parameters of his investigation, Parker examined key periods and substances linked to established ideas of pollution. Rites of passage appear prominently in his chapter on birth and death, which he combines due to the marked similarities of danger and upheaval which accompany them, and because he classes them equally as the most common producers of 'natural pollution'. Following Douglas' stress on the importance of control, he considered birth and death as the two most extreme scenarios in which the human body loses control over its functions. Since the change is permanent with death, the reaction against it is obviously more extreme and the sense of danger more pronounced. From this he progressed to the third form of natural pollution – that which results from sexual behaviour. Again, the important divide between sex and religion is stressed, and once again Parker rejected the notion of pollution as a by-product of 'guilt'. For Parker 'profane life is, necessarily, sexual', and so the relationship between human sexuality and religious precincts is given considerable attention. Sexual intercourse is not polluting per se, and the separation of sex from ritual is, in Parker's view, an extension of social attitudes of decency, 'a mark of social distance or respect' with regard to those activities that should be hidden from public view.⁴⁷

One area explored by Douglas and others, which is mentioned (but only in passing) by Parker, is the issue of pollution from bodily fluids such as semen and, in particular, menstrual blood. This appears so rarely in literature beyond medical treatises that Parker tentatively suggests that this was a truly unspeakable taboo.⁴⁸ This caused Parker problems later, in his examination of pollution from bloodshed. While the theme of murder and its considerable role in shaping Greek understandings of *miasma* were discussed in detail, far less attention was given to the pollutive nature of blood itself, despite its centrality within the anthropological works Parker used in formulating his thesis. With the morally charged issue of murder, Parker follows the tradition of Durkheim by arguing that pollution

⁴⁶ Parker (1983: 7–8); Bendlin (2007: 179).

⁴⁷ Parker (1983: 74–9, 91). ⁴⁸ Ibid. 102–3; Dover (1978: 173).

serves as a social adhesive when a group is faced with the disruption caused by homicide. It encouraged family-based vengeance in societies that lacked formal legal codification – ‘pollution, therefore, is not so much a rationalization as a vehicle through which social disruption is expressed’.⁴⁹

Given the importance placed on vengeance working alongside pollution it is curious that Parker omitted reference to the far-reaching theories of cyclical violence offered by René Girard, particularly in his central work *Violence and the Sacred* (trans. 1977), which utilised the theories of Douglas and Van Gennep in a broader, functionalist theory of universal violence in human psychology. Both Girard and Parker approach pollution as a means by which society expresses the danger and upheaval resulting from murder, and blood appears as a rich symbol through which this may be articulated.⁵⁰ In the later stages of social and legal development Girard suggests that the danger and culpability for pollution shifts to appointed jurors, the ‘surrogate avengers’. Parker used the *Tetralogies* of Antiphon to introduce the issue of blood-pollution in Athenian law (one of the few areas to receive attention in the years following the publication of *Miasma*), and a state in which the killer is ‘polluted’ only after being legally declared a murderer.⁵¹ Discussion of pollution within works of rhetoric strays some way from the traditional focuses of the anthropological works cited by Parker, which focus more on blood as a physical substance, especially in the contexts of contact or ingestion. However, in a society such as ancient Rome, the evidence provided by oratory offers significant insights into the ways in which ideas about pollution adapted and evolved over time and according to circumstances.

Beyond the natural bodily pollutions most commonly discussed in examinations of impurity, Parker also gave considerable attention to more abstract concepts of Greek pollution, including sacrilege, curses and witchcraft, as well as the link between biological disease and divine vengeance. Once again a key issue within these studies concerns the mortal relationship with the divine, with pollution being both a potential cause and result when the balance of this relationship is upset. The lasting mark made by Parker’s work is demonstrated most clearly by the now accepted status of pollution in studies of Greek religion. The *Oxford Classical Dictionary* has an entry (written by Parker himself) on pollution in Greek

⁴⁹ Parker (1983: 104–43 at 121). ⁵⁰ Girard (1977: 58–61).

⁵¹ Parker (1983: 104–8). Cf. Arnaoutoglou (1993: 109–37); Carawan (1993: 235–70); Bendlin (1998: 412–15); Ronen (1999: 273–86); Sealey (2006: 479–81, with bibliography); Phillips (2008: 62–3, 75, 107, 209).

society. No corresponding entry exists for pollution in the Roman world.⁵² The reasons for this are easy to appreciate, because it was perhaps not until Parker created a viable model for Greek *miasma* that such an entry was possible for ancient Greek society.

In 2002, Parker was involved in a series of Oxford seminars on pollution in the wider Mediterranean world. Jonathan Kirkpatrick published a preliminary paper online, discussing aspects of pollution from Greek, Jewish and Roman sources. He recognises the importance of examining 'purity vocabulary', seeks to compare Latin and Greek terms such as *purus* and *katharos*, and similarly notes the impact of *agos* on divine relations.⁵³ From this point he focuses on the Latin notion of *lustrum*, arguing that lustration did not represent 'purification', but was associated with this due to Greek writers noting similarities with their own ideas of cleansing. Instead Kirkpatrick sees *lustra* as acts of propitiation, not purification. His primary argument against purification concerns those instances where purity and pollution are recognised factors, but in which lustration is not mentioned. However, by perceiving the context in which these acts occur, such as in reaction to omens and prodigies, we see the tenuous position of his argument. The removal of the hermaphrodite or the lustration of the city in response to signs of divine displeasure served to re-establish both the natural and religious harmony, and can be viewed in terms of purification, albeit through a number of different forms. This issue is symptomatic of the difficulty classicists face when discussing Roman pollution. In the Greek world, pollution may be more clearly defined, recognised or quantified, but not so in Roman society. Our greatest difficulty stems from the necessary realisation that Rome has no equivalent to *miasma*, nor could it have a form of social expression so inherently Greek.⁵⁴ Some continuity is to be expected, and in some cases ritual formulae and actions may have been deeply influenced by Greek culture in Italy.⁵⁵ However, Roman society and law evolved along paths different to those of the divided Greek city-states and it would be a mistake to approach pollution in the Roman world as nothing more than a continuation of pre-existing Greek beliefs.

More recently, the key issues and difficulties facing the study of pollution and purity have been expertly laid out by Andreas Bendlin, who stresses a number of key points regarding approaches to the subject.⁵⁶ First, he

⁵² Cf. *OCD* s.v. pollution, the Greek concept of.

⁵³ Kirkpatrick (2002: available at <http://www.classics.ox.ac.uk/faculty/oxprinceton.asp>).

⁵⁴ Beard (1993: 44–64) notes a similar problem with attempts to uncover Roman *mythos*.

⁵⁵ Both Liebeschuetz (1979: 138) and Dickie (2001: 124–8) suggest similar processes regarding the import of Greek magic ritual, which subsequently developed along Roman lines of ritual expression.

⁵⁶ Bendlin (2007: 178–89, especially 184–8).

emphasises the positions of 'pure' and 'polluted' as being temporary states which are distinct from 'normality', and which impact upon the ability of a group or individual to interact with the sacred. Second, pollution is not always inevitable, for example in cases of murder, but instead comes only when the accused is judged to be guilty. Consequently, the role of legal rhetoric becomes more important, but also more problematic, because of the tendency for oratory to exaggerate and manipulate – pollution may have been thought an excellent tool for such purposes, but this should not be taken to reflect 'legal practices and norms'.⁵⁷ This is indicative of a far wider issue with the study of pollution in any society, ancient or modern. Whereas Douglas viewed dirt and pollution categories as relatively static phenomena and cast a wide net over a range of peoples, as Bendlin has demonstrated, ideas about purity and pollution should be viewed as part of a discourse that is constantly being renegotiated. Some ideas may remain unchanged while others undergo radical alterations, and as a result each new performance of a ritual must be approached with an awareness of its wider context.

Roman religion

Over the past thirty years Roman religion has become one of the most widely studied and debated areas of the classical world. Scholars have long since moved beyond the evolution-based theories of James Frazer, William Robertson Smith *et al.* that had dominated the early twentieth century, and the use of more recent anthropological works, such as those of Douglas, have been found to offer new routes of investigation for historians of all periods.⁵⁸ In 1980 Mary Beard used the structuralist interpretation of the human body proposed by Douglas (and subsequently refined by her successors), as well as Douglas' theories on 'interstitial beings' as potential sources of religious fear and awe, to offer a new theory regarding the status of Vestal Virgins.⁵⁹ These, she argued, derived their power precisely from their interstitial status as simultaneous matrons and virgins.⁶⁰ The structuralist approach has been applied to the Vestals more recently by Holt Parker, who attempts to demonstrate the links between the bodies

⁵⁷ Ibid. 185.

⁵⁸ Some central contributions include: Liebeschuetz (1979); Scheid (1985; 1987: 303–25); Beard and North (1990); Versnel (1993); Beard, North and Price (1998); Turcan (2000); Rüpke (2007a, 2007b).

⁵⁹ On the refining of her own theories, see Douglas (1975: 252–83).

⁶⁰ Beard (1980: 12–27). She was later to criticise many of her original ideas and approaches in Beard (1995: 21–43), although on the application of Douglas' theories to Roman cult, she appears to remain broadly convinced.

of the Vestals with the walls of Rome, subject to all the vulnerabilities of Douglas' 'bounded system'.⁶¹

The first challenge for scholars studying pollution in Roman religion is that no single ancient work survives offering a set of purity regulations similar to those of the Judaic *Leviticus*. Neither do they attempt to define what was religiously impure. A number of issues pertaining to religion were discussed by the republican author M. Terentius Varro (the loss of his sixteen books on divine antiquities represents perhaps the greatest blow to the study of Roman religion), and due to the nature of his work as an antiquarian he also offers a number of suggestions as to the origins of words and rituals. Issues of pollution and purification appear in a number of cases, but at no point are they the primary focus of Varro's attention. Neither were his interpretations always correct; it should also be remembered that Varro himself was 'rediscovering' (and thus, to some extent, reinventing) Rome's religious past.⁶² As with various other authors we shall encounter, it is not the accuracy of Varro's statements that is of interest to us here, it is the fact that these interpretations were thought to be plausible, and that pollution frequently appeared within these discussions of Roman religion. Our knowledge of what was considered polluted or polluting must be gleaned from extracts from a wide range of Greek and Latin literature and, more particularly, from reactions to events which were thought to impact upon religious procedures or officials.

Despite lacking a category like *miasma*, which allows pollution to be envisaged as a physical entity, Latin language was not without the notion of impurity. Numerous Latin verbs denote actions of staining or defiling, and many appear flexible in their usage and vary depending on context. Some of the most frequently used terms include *polluere*, *inquinare*, *scelerare*, *foedare*, *conlinere*, *contaminare*, *violare* and *funestare*. Along with these are various actions of sprinkling, mixing and tainting (*tingere*, *aspergere*, *commingere*, and, especially, *maculare*). Many of these may have no direct religious implications, but may be used to evoke images of physical staining which can be transposed onto a religious situation.⁶³ In the sphere of Roman

⁶¹ Parker (2004: 563–601).

⁶² Scheid (2006: 33). Van Nuffelen (2010: 162–4) also emphasises that many of the surviving fragments of this work appear in Augustine's *De Civitate Dei*, written centuries later and reinterpreted by a Christian scholar.

⁶³ Thome (1992: 77) sees *macula* as 'the Latin key term in the field of pollution', interpreting its relative weakness as a sign of the minor role of symbolic pollution, without considering why, if at all, specific significance should be attached to *macula* above other terms of pollution, or indeed why it need be considered in isolation at all. In fact, *macula* is used most frequently to denote a simple stain, but when combined with specific substances (most typically blood), the connotations

religion, such actions cause offence to the gods, or threatened Rome's relationship with the gods, epitomised as the *pax deorum*. This phrase is not so well attested in ancient literature as its prominence in studies of Roman religion might suggest.⁶⁴ Nevertheless it does neatly encapsulate a sense of 'order' in Roman religion, and as Santangelo stresses, the *pax deorum* was not just something which needed to be maintained; often it had to be achieved through painstaking observance of ritual procedure.⁶⁵ Livy described the pollution (*polluo*) of religious ceremonies (*caerimoniae*) as a direct threat to the *pax deorum*.⁶⁶ The removal of such 'stains' and the restoration of religious order was frequently achieved through ritual acts of purification, whether through the use of cleansing agents such as fire, water or sulphur, through prayer and sacrifice, or through the removal of an offending object beyond the boundaries of the society, classified by Barrett as 'transportive' purifications.⁶⁷

Words reveal how strong images of pollution could be used to signify profound disorder. When Cicero attacked Catiline as a *pestis*, he did not mean that Catiline was physically diseased, yet it evoked the ideas of danger and corruption that Cicero needed to alienate his enemy, and to underscore the need for his removal from the city.⁶⁸ This is comparable to Churchill's reference to the smuggling of Lenin into Tsarist Russia as the transport of a 'plague bacillus', designed to infect society and spread destruction from within.⁶⁹ More generally, when speaking of a rigged jury, Cicero could claim that the corruption had stained (*maculare*) the reputation of illustrious senators.⁷⁰ Parker noted similar instances in Greek rhetoric, especially in exchanges between Aeschines and Demosthenes, who used pollution as a means of rhetorical attack and similarly linked it to disturbance of social order.⁷¹

Pollution is not entirely absent from scholarship on Roman religion, although it remains a poorly understood factor, and seldom appears in the indices of the many books now appearing on the subject. Throughout his *Religious Experience of the Roman People* (1911) William Warde-Fowler

of pollution are greatly enhanced. Cf., for example, Verg. *Aen.* 3.29; Cic. *Rep.* 2.46; *Mil.* 85; Liv. 1.13; *Obsequens*, 27a; Hor. *Carm.* 4.5.22; Luc. 3.348; Festus s.v. *Pura vestimenta*.

⁶⁴ For an excellent analysis of the problems and definitions of *pax deorum*, see Santangelo (2011: 161–70, with bibliography). As well as highlighting the various ways in which *pax deorum* might be achieved, Santangelo also notes the potential threat of divine anger (*ira deorum*) as a result of failure to maintain the *pax deorum*. Mistakes had to be avoided, or rectified through the performance of *piacula*. Scheid (1985: 22–36) considers the ways in which impiety might result in the upsetting of the *pax deorum*, leaving a stain (*souillure*) upon the community if it failed to take appropriate action. Cf. Levene (1993: 8); Vaahtera (2001: 79).

⁶⁵ Ibid. 164–5. ⁶⁶ Liv. 6.41.8–9; Santangelo (2011: 166). ⁶⁷ Barrett (2008: 42–5).

⁶⁸ Cic. *Cat.* 1.10. ⁶⁹ Churchill (1929: 73). ⁷⁰ Cic. *Att.* 1.16.3. ⁷¹ Parker (1983: 1).

discussed ritual purifications occurring across the Roman religious calendar, such as Augustus' 'purification' of the Roman people during the *Ludi Saeculares*.⁷² Furthermore, he stressed the use of terms such as pollution and purification when discussing the danger surrounding beings undergoing rites of separation, although he offered no suggestion as to the source of this threat.⁷³ The work of Warde-Fowler influenced many British academics and, for better or for worse, issues of taboo and rites of purification were examined extensively in the following decades. Eli Burriss' *Taboo, Magic, Spirits* (1931), and Cyril Bailey's *Phases in the Religion of Ancient Rome* (1932) demonstrate the trends that emerged from the work of Warde-Fowler, along with the contributions to the study of 'primitive' religion made by James Frazer.

Such trends failed to make significant impact on German scholarship contemporary with Warde-Fowler, and pollution is conspicuously absent from Georg Wissowa's *Religion und Kultus der Römer* (1912), a work that remains highly significant in many other areas of Roman religion today. 'Purity' (Reinheit) received a single entry in Wissowa's index, while pollution (Unreinheit) received none. Warde-Fowler openly criticised Wissowa's refusal to make use of theories and data provided by complementary disciplines: 'I cannot but think it a pity that this eminent scholar should so absolutely decline to learn anything from the despised comparative anthropologists'.⁷⁴ Although the early endeavours to combine classics and anthropology undoubtedly led to numerous theories that are now considered heavily outdated, the lack of discussion of Roman religious pollution by Wissowa is nevertheless lamentable, and may go some way towards understanding why the subject has not flourished sooner. Nearly half a century later, Latte devoted only a brief section of his *Römische Religionsgeschichte* (1960) to Reinheit and Unreinheit in Roman religion, offering a handful of specific examples, but also stressing that no single Latin term was sufficient to fully replicate *miasma*. While acknowledging some of the various words for staining, he also noted that terms such as *polluere* and *scelerare* were to some extent interchangeable, as well as pointing to the connections between pollution and impiety, misfortune and danger

⁷² Warde-Fowler (1911b: 38). The focus of Warde-Fowler's work was primarily 'taboo', based on the theories suggested in Frazer's *Golden Bough*, which influenced much of the early work linked with purity in Rome, but has been frequently criticised for its now outdated approach. Cf. Burriss (1929a: 142–63; 1931: 25–83). For more recent evaluations, see Douglas (1966: 23, 30); Beard (1992: 203–24).

⁷³ Warde-Fowler (1911b: 68–9).

⁷⁴ Warde-Fowler (1902: 119); Phillips (2007: 22–4). On the wider context, approach and influences of Wissowa, see Bendlin (2006a: 227–56, especially 233–42).

(unsicher).⁷⁵ In particular, Latte highlighted the importance of *scelus* as an offensive act or object in the sphere of religion, and thus its significance within the dialogue of pollution. Such offences bring greater danger when introduced into sacred space, a point that was discussed at length by John Scheid in 'Le délit religieux dans la Rome tardo-républicaine' (1981).⁷⁶ Andrew Wallace-Hadrill places similar emphasis on the use of *scelus* in Augustan literature, describing it as 'an offence that incurs the wrath of the gods, and is liable to bring down retribution unless set right or "expiated" by the requisite ceremony (*piaculum*)'.⁷⁷ The stress upon expiation and *piacula* connects the cleansing of pollution with the re-establishment of order.

Building upon these ideas, Gabriele Thome examined some of the Latin terms mentioned above, listing them as 'conceptual equivalents' of *miasma*.⁷⁸ Her 1992 article concerned Roman attitudes to crime and guilt, and it is within this context that she discussed pollution. She, too, read significance into *scelus*, as well as the recognised religious term *nefas* (unspeakable), but went further than Latte and Wallace-Hadrill, viewing as *scelus* not just the offence, but also the resulting pollution, which she suggested had the potential to 'infect' those around the guilty party. She argued that this stemmed from the emphasis on 'concepts of action' within Latin terminology, stressing the importance of verbs in understanding Roman pollution. Crucially, Thome noted the importance of metaphors concerning purification in Latin literature, 'which . . . presupposes the concept of pollution'.⁷⁹ I hope to demonstrate that this can be extended beyond specific incidents to encompass wider ritual behaviour, and that both purity and order were recognised as desirable states in Roman religion. Where there was impurity within sacred boundaries there was disorder, which indicated danger. If sweeping the threshold (a ritualised act of otherwise everyday cleansing) following a Roman funeral indicated a return to normality through the restoration of purity, it also demonstrates that prior to this event was a state *requiring* purification – the household was disordered and impure (*funesta*). Similarly, when rituals of expiation were performed, the re-establishment of the *pax deorum* could be thought of as being achieved through purification. Objects, events or persons deemed as ill-omened, impure or otherwise 'out of place' therefore fit into a wider

⁷⁵ Latte (1960: 47–50). Cf. Wissowa (1912: 416); Serv. *Aen.* 3.42.

⁷⁶ Latte (1960: 49); Scheid (1981: 117–71). Scheid places particular emphasis on the distinction between accidental or unavoidable actions, and deliberate violations of religious sanctity.

⁷⁷ Wallace-Hadrill (1982: 24–9). For *piacula* in response to pollution, see Serv. *Aen.* 6.153.

⁷⁸ Thome (1992: 73–98). ⁷⁹ Ibid. 77–8.

concept of religious pollution, and may be identified as much by the purificatory reaction they incur as any implicit statement in the literature asserting that they are 'unclean'. Religious order is expressed through purity, and so any act compromising that purity may be expressed as pollution.⁸⁰

Two recent treatments by Harold Attridge and Roger Beck of pollution within Sarah Johnston's *Religions of the Ancient World* (2004) attempt to consider the phenomenon of pollution across the ancient world, including Rome. Again the stress is on the human relationship with the divine, and Attridge sees pollution as 'that form of "dirt" that prevented participation in the realm of the sacred', while also acknowledging its use by ancient societies in enforcing a specific moral agenda.⁸¹ Otherwise, however, the emphasis on sin in Attridge's work is problematic, as is his attempt to combine purity values from Israelite, Sumerian and Greek communities to create a more unified theory of 'ancient pollution'. Rome has scarcely any mention in this theory, precisely because it does not fit within such a framework. Beck's brief treatment, which is part of a wider chronological, compartmentalised, examination of pollution in ancient societies, faces similar problems.⁸² For Beck the term 'pollution', like 'sin', is inadequate to express his intended meaning, 'which is simply that sense of something (a person, an object, an activity) being amiss, out of order, in relation to the gods'.⁸³ He suggests that this is due to the lack of a Latin *miasma*, since *polluere* is insufficient. While I would concede that *polluere*, when considered in isolation, is inadequate, I will suggest that Beck's own description of something being 'out of order' fits well within the schema laid out by Douglas, and that within the field of religion it is ideal. Furthermore, the problem of *polluere* is best answered by *refusing* to consider it in isolation, but rather accepting the diversity of language which the Romans chose to employ to demonstrate their disapproval, disgust or even fear towards actions that threatened to damage the *pax deorum*, the disorder from which might subsequently rebound upon the offending community at large.

Beyond the immediate relationship between the Romans and their gods, Beck employs only a handful of miscellaneous examples of what he deems 'pollution' to be, most frequently involving sacrilege or lack of due religious care to rites and omens. Despite the prevalence of natural substances as causes of pollution in the volume's chapters on Egypt, Mesopotamia, Anatolia and Greece, Beck chooses to focus on impiety as the primary source of pollution in Rome, and goes so far as to suggest that Rome was largely free

⁸⁰ Parker (1983: 144–7). ⁸¹ Attridge (2004: 72–4). ⁸² Beck (2004: 509–11).

⁸³ Ibid. 509. Once again the concept of *scelus* is recognised as potentially significant as a means of demonstrating an action with wider, pollutive ramifications.

of fears regarding organisms, those ‘naturally occurring things that pollute in and of themselves, for example, certain types of food source, menstruation, childbirth, and consequently women menstruating or giving birth’. The only ‘natural pollution’ conceded is death, and Beck suggests that this did not stem from the corpse itself, but its continuing presence amongst the living, and that taboos on handling corpses appear to be few. All of these ideas are contentious, and each of these claims will be examined (and in a number of instances refuted) in the course of our investigation. This book will suggest a number of revisions to Beck’s theories, and aims to demonstrate the deep-rooted concerns within Roman culture regarding some of the phenomena he believes are lacking.⁸⁴

Beck’s acknowledgement of the prominence of death pollution in Rome, however, sits well with the existing scholarship on death and funerary rituals, as it is one of the few areas where the extent to which pollution impacted on Roman social behaviour has received necessary attention.⁸⁵ Scholars in this field have debated the role of rites of separation imposed upon the family, as well as the various acts of avoidance and removal affecting the corpse. Many of these can be traced back to the inherent pollution of the corpse, but some also stemmed from the chaos and upheaval thrust upon the family following a death, particularly that of the *paterfamilias*. The greatest difficulty facing those who have discussed aspects of impurity in the Roman world, including death pollution, is the lack of a strong conceptual framework in which to set their conclusions. Parker has highlighted key areas of Douglas’ structuralist approach that can be usefully employed for interpreting religion in the Greek world. By examining a wider range of material, we may gain deeper insights into a number of aspects of Roman religion.

Structure and methodology

In the broadest sense, the primary goal of this book will be to provide the framework that the subject is lacking, by demonstrating how and why the issue of pollution mattered in the Roman world, and discussing the crucial role it could play in religion. Rather than contradicting existing approaches, the book aims to show how Rome’s concerns about pollution need to be integrated into future discussions of religion and how citizens interacted

⁸⁴ Ibid.

⁸⁵ Cf. Hopkins (1983: especially 1–30); Toynbee (1971: 43–64); Allara (1995: 69–79); Estiez (1995: 101–8); Deschamps (1995: 171–80); Bodel (1994: 1–133); 1999: 258–81; 2000: 128–51; 2004: 147–68); Lindsay (2000: 152–74); Sumi (2002: 559–85); Edwards (2007).

with the gods. As has been noted previously, the wider study of impurity has flourished through the efforts of scholars such as Meigs, Turner and Valeri. The main themes ((i)–(iv)) examined chapter by chapter within this study take their inspiration from these significant contributions of modern anthropology. Parker's study of Greece followed a similar structure, and as an investigation of a near-contemporary society, *Miasma* will also offer a number of valid comparable examples for the study of Roman religion. At the centre of many cases of pollution was the human body, whose processes and emissions frequently led to its being viewed as incompatible with many areas of religion.

(i) Language offers one of the most potent ways for a society to define its sense of order.⁸⁶ Therefore, [Chapter 1](#) will explore some of the main pollution and purity categories in the Latin vocabulary. We have already seen that there are numerous Latin terms indicating pollution which may be applied to the sphere of religion, altering the seriousness of the act or substance within that setting. This chapter will begin with an examination of some of the most prominent terms connected to pollution and acts of staining, as well as relevant words denoting purity/purification. While much of the emphasis will be on the act of polluting, we shall see that the nouns *nefas* and *scelus* were also important, potentially signalling threats or damage to the *pax deorum*. *Scelus* represents a particularly interesting example, as the term could be used to describe a form of pollution, but equally could describe the result of a previous pollutive action. The religious implications of terms such as *nefas* and *scelus* will also be considered separately because both appear to have held deeper religious significance than many of the other terms we will encounter. The second half of this chapter will go on to consider how labels such as 'sacred' affected persons and objects in terms of their susceptibility to pollution. It will also discuss the sacred status of certain animals, buildings and spaces in which rituals were performed. From here our study will progress thematically, examining those key acts and substances that scholars have identified as the most commonly occurring forms of pollution.

(ii) [Chapter 2](#) begins with an examination of pollutions linked to sexual intercourse. The pollutions surrounding birth, sex and menstruation are all connected through the anxieties surrounding bodily emissions, which will be given a central role throughout the chapter. In many cases the concept of pollution is seen to reflect wider social anxieties, caused by the loss of the body's control over its own functions and boundaries.

⁸⁶ Cf. Leach (1964: 23–63).

The question of whether sex was inherently polluting must be explored first, before moving on to examine when and why this was the case. This leads into a discussion of why it was dangerous to bring either the act of sex or the contamination of sexual contact/fluids into religious space. The greatest indication that sex could be incompatible with religion appears in reports of required periods of sexual abstinence in the build-up to certain rituals. Furthermore, three prominent examples of sexual misconduct in religious settings, the scandal surrounding the cult of Bacchus (suppressed in 186 BC), the seduction of Paulina within a sanctuary of Isis and the ejection of P. Clodius Pulcher from the women-only rite of the Bona Dea in 62 BC, each demonstrate how sex might be perceived as dangerous. In each case we see the importance placed on allegations of sex within religion, regardless of their accuracy. It was a viable means of attack against foreign cults in the first two instances, and against a political figure in the latter. The chapter will draw attention to the extensive Roman vocabulary and malleable discourse of pollution. Following these cases, where sex was illicitly introduced into ritual, the chapter moves on to examine attempts to remove, or otherwise regulate, the presence of those who were permanently stained by sexual impurity, particularly pimps and prostitutes. Their direct exclusion is indicative of their incompatibility. However, on rare occasions prostitutes were actively encouraged to take part in religious festivals despite their transgressive status.

From here the chapter moves on to the crime of sexual intercourse with Vestal Virgins and the more general crime of incest. Roman society was an interlinked system of families, with power emanating from the *auctoritas* of the *paterfamilias*. Threats to this system represented a threat to order, and the punishments/prescriptions in each case took the form of ritual purification. The chapter will close with menstruation, a phenomenon that receives extensive discussion in modern anthropological literature, as it is typically one of the most common and serious forms of pollution (due to its connotations of death, loss of bodily control and unharnessed female power). The status of menstrual blood as a polluting substance will be explored, along with the specific areas where it was felt to be a particular threat. The physical essence of menstruation raises a number of questions, which set the scene for a wider examination of blood pollution in Roman society.

(iii) While the themes of sexuality, sacrilege and death in the Roman world have received some degree of attention from recent scholarship, blood remains a relatively neglected subject. This is curious considering the crucial role of sacrificial ritual in Roman religion. Blood not only figures

prominently in Roman literature on religion, medicine, law and warfare, but also plays a central role in modern anthropological studies of pollution in societies across the world. Of all bodily fluids to have danger attributed to them, blood remains the most powerful and ambivalent substance and, as Meigs has demonstrated, this perceived pollution can be explained most easily by the links between blood-pollution and death-pollution.⁸⁷ The contexts in which it appears are numerous, and as a result, [Chapter 3](#) will be divided into several distinct subsections.

It begins by exploring Roman attitudes to bloodshed and deals first with the pollutive nature of blood cases of homicide. This approach will also consider the lack of explicit references to pollution in early Roman law, in contrast to its repeated use in forensic rhetoric. If Roman law did not officially seek to acknowledge and expiate pollution brought about by bloodshed, why did allegations of pollution persist as a tool in the arsenal of orators? One of the few areas where homicide pollution did persist was in cases of parricide, in which the potent stain of the father's blood was heavily emphasised by writers and orators.⁸⁸ The traditional method of disposal for parricides demonstrates a powerful expression of fear regarding pollution and is considered in terms of religious expiation as well as judicial punishment. From here this section will examine forms of kin murder that did not warrant punishment and appear to have no pollution attached to them, in cases where homicide was required for the preservation of the state. Rome also appears to have held strong opinions regarding *responsibility* for the shedding of blood. Case studies including the deaths of Verginia and the Pontifex Maximus L. Cornelius Merula suggest that responsibility for bloodshed could matter more than the identity of the actual killer, but in each case blood remains the physical representation of culpability.

Parker's chapter 'The Shedding of Blood' extended only as far as blood in the context of murder, primarily in the Athenian law courts. This represents the greatest gap in his study. Given our focus on pollution within Roman religion, the next section of [Chapter 3](#) seeks to address blood as a potential source of pollution within rituals of animal sacrifice. Blood had the power to cleanse, but if this power was not suitably controlled and contained within formally established religious boundaries it could also harm. This section therefore examines these boundaries and asks why pollution might occur when they were transgressed. It discusses a number of examples of 'failed' sacrifices where victims broke free, sometimes staining onlookers with sacrificial blood. It also considers the use of low-status servants to

⁸⁷ Meigs (1978: 304–18).

⁸⁸ Gaughan (2010: 84–9).

perform the actual killing, those whose social position might otherwise exclude them from sacrifices. Why could this vital function be allotted to slaves? Is it possible that even sacred blood, ritually consecrated and then properly offered, could still be viewed as 'dirty'? This section concludes with a much later case study from Christian literature, in which the blood of an animal sacrifice (in this case, the *taurobolium*) is linked with dirt and impurity as a means of discrediting the effectiveness of both the ritual and the blood itself.

The chapter proceeds to examine blood sacrifices deemed unacceptable by the Roman state. Ancient sources speak of human sacrifice in predominantly negative terms, even on those few occasions when Romans themselves resorted to human offerings. Each of these cases is scrutinised, and it is suggested that when committing acts of human sacrifice Romans were careful to avoid bloodshed. Roman attitudes to human blood in the sphere of religion are best demonstrated, however, by their condemnation of barbarian nations that offered human victims, tasted human flesh, or used human entrails in divination. The chapter gives particular attention to those barbarian nations which were most frequently accused of human sacrifice. The accuracy of such reports has, for some time, been rightly treated with scepticism. However, these accounts expose the ways in which Roman authors attacked barbarian religion, using blood from human sacrifice as a way of demonstrating foreign impurity (and thus, social disorder) which is contrasted with the Romans' idealised view of their own religion, in Cicero's words, the best and purest.

The last section of [Chapter 3](#) addresses another of the most common sources of bloodshed in the Roman world, the battlefield. Attitudes towards blood shed in war vary depending on context, the greatest divide existing between the blood that was shed in external and civil wars, which form the dual focus of this section. First, it explores the nature of the war as ritually 'separate' and externalised, a time in which the pursuit of Roman victory superseded all other factors. This is suggested by the absence of impurity attributed to victorious armies on the battlefield, in contrast to the vilification of victorious enemies. A further issue that arises is the reintegration of the Roman army at the cessation of the violence. Did Roman armies require purification, whether triumphal or otherwise? The chapter ends with the consideration of pollution generated by civil war. In such conflicts it was the state alone that was harmed, with no external enemy to conquer. Physical and religious pollution were logical expressions of fear towards a state of extreme social disorder. Particular prominence is given to *scelus* as a means of describing the all-encompassing religious impurity

attached to the Roman people. This section pays particular attention to the actions of the military leaders Marius and Sulla, as well as the later emperors including Otho and Vitellius, who were portrayed as being contaminated by civil bloodshed. We see that blood was crucial as a means of visualising the abstract guilt that survivors sought to expiate.

(iv) Death is a recurring feature throughout Chapters 2 and 3 and, if we are to follow Meigs and Valeri, may be viewed as the source of all forms of bodily pollution. Chapter 4 deals with the raw material of death, focusing on the corpse itself. While the ancient sources say relatively little about the nature of the corpse, the behaviour of those 'polluted' by its presence are most revealing. The chapter begins with the initial aftermath of death, including the treatment of the corpse, the signs of pollution taken on by the family, and the funeral rites that might be performed. This period represented one of the most significant rites of passage in Roman life, with the corpse being viewed as in a liminal state between 'the living' and 'the ancestors' (*manes*). During such periods of transition there were dangers to any who strayed too close. This section examines those groups, such as religious officials and pregnant women, who were particularly susceptible to contamination from death pollution, as well as the precautions taken by households to prevent contamination beyond the boundaries of the *domus*.

The chapter proceeds to examine the responsibilities and restrictions placed upon undertakers, corpse bearers and executioners. Unlike families in mourning, these men were polluted in a more permanent sense. Once again the language used to describe them is explored, as are the ways in which their pollution was thought to be contagious as they moved around the city in their daily tasks. Particular attention is given to the rules imposed on death-workers in the law codes from Puteoli, which have received considerable attention in recent years and in which the issue of pollution does appear to have been a source of concern. This section concludes with a brief examination of the status and purity of gladiators. While executioners, who profited from bringing death, were publicly reviled in Rome, the gladiators held a unique form of status and honour in spite of their blood-stained profession. Were gladiators seen as more acceptable, or less impure than executioners? Did their displays of martial skill and bravery win them approval, or was there an inherent acceptability for death within the arena? Was there a 'correct' place for death *within* the sacred bounds of the city?

The final section moves away from the physical remains of death, examining what happened after corpses had been safely removed and consigned either to the ancestors or the nameless dead. At certain points in the year

the spirits of the dead were thought to return to the realm of the living. Two key festivals in the Roman calendar sought to propitiate and then remove them through acts of sacrifice and ritual purification. First, in February, was the Parentalia in which the Lupercalia occurred; second, in May, was the Lemuria, a far more sinister affair, which sought to cast out hostile spirits (*lemures*) from the city. Restrictions were placed on a number of everyday activities during this period, and this section seeks to examine the extent to which pollution may be viewed as a cause. In particular, we shall see how rituals of purification appear as a means of restoring order after these periods were over.

Chapter 5 brings together the various themes explored across this book within a single case study and, just as our study began with Cicero, so too it ends with him. Having discussed various forms of Roman pollution related to sex, blood and death, Chapter 5 examines how these various strands could be harnessed and brought together by an orator such as Cicero to amplify his arguments.

Cicero used images of dirt and the language of impurity to attack many of his most prominent political enemies, but these ideas played a most crucial role in his ongoing polemic against Clodius, in which the subject of religion became directly relevant. In the *post reditum* speeches, Clodius and his associates are portrayed as a disease that has corrupted the Republic, a corruption which resulted in Cicero's exile from Rome in 58 BC. The chief focus of this chapter is the *De Domo Sua*, in which Cicero brings every accusation of pollution possible against Clodius as a means of nullifying the latter's consecration of a shrine to Libertas on the site of Cicero's Palatine home after his exile. We see the frequent application of pollution vocabulary again Clodius and his followers. Although for many years the *De Domo Sua* has been criticised for its aggressive style, by considering the role of pollution within Cicero's arguments we can see a practical purpose behind the standard rhetorical polemic. This in-depth analysis of a primary text also highlights an approach to source material frequently overlooked by anthropologists. If we follow the view of scholars such as Bendlin that pollution must be approached as a wide-ranging and many-layered discourse, constantly susceptible to change and renegotiation, then the role of oratory takes on greater significance. By focusing on the *De Domo Sua*, a speech that was delivered before the college of pontiffs during a period of considerable social and religious upheaval, and in a case where pollution played a central role in the battle for religious 'legitimacy', we have the opportunity to see one such discourse unfolding. Cicero was attempting to convince the group who had the potential to accept the validity of his case.

In order to achieve this he built his argument upon religious traditions and vocabulary that both he and his audience could understand, using them to provide his own interpretation of pollution for use against a political enemy.

Looking beyond the attacks in the *De Domo Sua*, we also see the ways in which Cicero continued to use pollution against Clodius, adapting his emphasis to suit the particular circumstances of each case. In the *De Haruspicum Responsis*, Clodius' violation of the rites of Bona Dea, along with his continuing disregard for *religio* and his contamination of sacred rites, was argued to be the cause of various portents and signs of divine anger (portents which Clodius had argued resulted from Cicero's own sacrilege at the removal of the shrine of Libertas the year before). Later, in the *Pro Caelio*, Cicero used allegations of incest and sexual impurity once again to attack Clodius, and through him, his sister Clodia. In the *Pro Milone*, after the murder of Clodius by the servants of T. Annius Milo, Cicero countered the charges of public violence (*vis*) by stressing the violent nature of Clodius' tribunate and, in particular, his blood-stained character – Clodius was the 'plague bacillus' of the Republic, Milo was the surgeon who heroically cut him out. The frequent references to impurity in Cicero's rhetoric suggest that his use of pollution was a conscious decision on his part, and one that he felt confident would sway and influence his audiences. With each new context the forms of pollution most prominently stressed change, and so demonstrate how flexible pollution could be as a rhetorical weapon.

The evidence for various forms of pollution in Roman society is very varied, and it has been noted previously that context will, to a large extent, sway each interpretation. Nevertheless, certain questions run throughout. Beyond the issue of what might constitute pollution, it will be important to judge precisely *who* was threatened by it. Were the gods ever thought to be truly in danger, or did the corruption of a god's purity result in punishment for their human worshippers? Was the language of pollution simply a mechanism for social control? Was a distinction made between deliberate and accidental pollution of religious sites or festivals? Are the patterns in linguistic categories reliable, or was the concept of pollution deliberately ambiguous and open to interpretation? Were attitudes towards purity revealed solely in the act of contamination, or did the subsequent ritual purification offer further information on the nature of a specific pollution? As the answers to each of these questions become clearer we shall move closer to understanding the nature of pollution in Roman society, and the ways in which it influenced religious practice will shed further new light on this already heavily debated field of study.

The book's conclusion seeks to bring together the themes outlined above in order to demonstrate that in matters of purity, Rome stands unique in the ancient world. Although there were demonstrable similarities with Greece and the Near East, more is revealed by the marked differences in the ways Rome approached, expressed and dealt with pollution.

Defining pollution

At first glance ‘unclean’ is an easy concept to grasp. We know it when we see it, whether by our biological and social reactions to it, or the reactions of those around us. But there are differing degrees of dirtiness, requiring differing responses. Our reaction to mud is not the same as it is to excrement or a corpse, yet all may justifiably be called ‘dirty’. Furthermore, if dirt is straightforward, why do we need so many words for it? Something that is dirty may also be called stained, tarnished, polluted, fouled, blemished, corrupted, defiled, debased, violated, disfigured – the list goes on, and with each word the nuances and degrees of dirtiness are slightly different. We know what *we mean*, but this is not particularly helpful. If we could ask a Roman to define his or her understanding of pollution, it is equally unlikely that he or she would be able to give a straightforward answer.¹ Words are not the automatic solution to the issue. They are, however, an indispensable starting point, providing a framework within which our world is organised, classified and systematised. If we are to begin to understand pollution in Roman society we must begin by defining how we will identify dirt when we see it in the primary sources.

Pollution is difficult to pin down in Latin vocabulary. While we have already noted the large number of verbs that might indicate staining of some sort, few may be described as relating exclusively to religion. What mattered was context. Both the meaning and the seriousness of an action shifted when perpetrated within the sphere of religion. Therefore this chapter will work towards a more structured explication of religious pollution. We will begin by examining the main Latin words for pollution and their varying meanings, their normal contexts and the threat different categories of pollution posed to social and religious life. Following this, pollution vocabulary will be contrasted with the key terms for purification; unlike with pollution terminology, we do see references to purity/purification, which appear to be closely associated with religious actions. Once we have gained

¹ See, for example, Kaster (2001: 143–88) on the translation and interpretations of *fastidium* as ‘disgust’.

a clearer understanding of ‘staining’ and ‘cleansing’ we can progress more confidently towards interpreting these concepts within religious contexts.

In such an endeavour we cannot simply follow the example set by Parker, who began his study by stressing the prominence of *miasma* and its cognates, along with the difficult term *agos*, which could indicate both an act of pollution and an act of expiation.² He also alluded to those words referring to dirt that also appeared in connection with ‘contagious religious danger’, including *musos* (uncleanness), *luma* (purgations) and *chraino* (touch, smear, pollute), but these terms received little direct consideration in his opening study.³ As we have already noted, Latin has no word that corresponds directly with *miasma*. In formulating a glossary of crime and culpability, Thome stressed that in Rome ‘chief emphasis lies on the concepts of action: the Romans think in concrete-practical terms rather than in a metaphorical or symbolic way’.⁴ As a result, when searching for pollution in Latin contexts we should expect verbs of staining to be common, and more variable than the Greek terms examined by Parker, since few relate directly to religion to the exclusion of all else. However, while Thome’s statement may accurately represent Roman ideas about crime and criminality, we shall see that Roman religion also exhibited a variety of cases where pollution might be present, or purification felt to be required, without human action.

There was considerable overlap between terms for pollution, and many appear to have been interchangeable, despite some being favoured in specific contexts. We shall therefore begin by first outlining the specific details of each word and examining their origins and favoured uses. Since no single term appears dominant within the ancient sources, and because I do not wish to list words in an arbitrary hierarchy, the simplest solution is to list the central words in alphabetical order. These terms will be loosely grouped into verbs, nouns (specifically *nefas* and *scelus*) and adjectives, and will be listed separately. It will also be necessary to consider certain terms relating to states of purity, as well as acts of purification, since in many cases it is the apparent desire for order through purification that first alerts us to the presence of pollution.

PART I: LEXICAL CATEGORIES

Polluting verbs

Contaminare: when discussing the wide-ranging implications of this word it is necessary to include various cognate terms, connected by their

² Parker (1983: 3–17).

³ Ibid. 5.

⁴ Thome (1992: 78).

relation to staining or infecting through physical ‘touch’ (e.g. *contingere*, *tangere*, *inficere*, *contagio*).⁵ Contact with any impure person or substance can potentially lead to contamination, depending on context. Valerius Maximus could claim that the Athenians had contaminated their hands with the blood of citizens.⁶ Virgil described weapons as ‘infected by blood’ (*arma infecta sanguine*), and Cicero could claim that senators were not contaminated by the blood of the Gracchi or Saturninus, since he believed their murders had been justified.⁷ The obvious connection between disease (*pestis*), infection and *contagio* is telling, and frequently appears in reference to the dangers of death and contact with corpses.⁸ Pliny states that it was customary to spit on epileptics during fits to ‘throw back the infection’ (. . . *hoc est contagia regerimus*),⁹ while Gellius implied that babies were susceptible to contamination from low-born wet nurses.¹⁰ In terms of physical pollution, ideas of contagion and contamination are frequently connected to the human body, whether living or dead, with bodily fluids featuring prominently. However, the touch of a criminal or wrongdoer might be described in similar terms, allowing moral pollution to be described in the same terms as physical pollution (just as Cicero spoke of spiritual as well as bodily *castitas* – see pp. 1–2). In Caesar’s account of Gallic religious practices he states that their most severe penalty was exclusion from sacrifices, and that those who were condemned in this way were viewed as impious and criminal (*sceleratus*), and were turned away because of the risk of contact (*contagio*) with them.¹¹ During the mutiny on the Rhine, Germanicus was described by Tacitus as stepping away from his own troops as though as to avoid being contaminated by their criminal actions (*scelus*).¹² As such, *contaminare* represents one of the clearest examples of a word referring to a physical action resulting in pollution.

Foedare: a verb denoting an act of polluting, or of making something ‘foul’ or otherwise unclean. The emphasis on disgust appears particularly strong, and things described as *foedus* appear to evoke physical repulsion or fear.¹³ Food that has been touched by the Harpies becomes *foedus* because

⁵ De Vaan (2008: 131–2); Wagenvoort (1947: 128–86) discusses *contagio* in terms of negative touch, as opposed to the less specific *contactus*.

⁶ Val. Max. 3.8 ext.3.

⁷ Verg. *Aen.* 5.412–3; Cic. *Cat.* 1.29. However, Cicero still had to stress that the senators involved were *not* contaminated, the implication being that this shedding of blood, especially the blood of tribunes, could have been viewed as such.

⁸ Hor. *Ep.* 16.61; Ov. *Trist.* 3.8.25; Luc. 6.88–103; Plin. *HN* 23.157; Sil. *Pun.* 6.622, 11.13; Arn. *Adv. nat.* 7.47.

⁹ Plin. *HN* 28.35.

¹⁰ Gell. *NA* 12.1.18. Cf. Ehrenberg and Jones (1976: No. 262).

¹¹ Caes. *B Gall.* 6.13.

¹² Tac. *Ann.* 1.35; Woodman (2006: 303–29). Cf. Cic. *Chu.* 129; Lactant. *Div. inst.* 1.18.2.

¹³ De Vaan (2008: 229). Cf. Verg. *Aen.* 2.539; Tac. *Germ.* 5.1.

of the filth they leave, and so it is Phineas' punishment to subsist on the unclean scraps.¹⁴ The murder of Servius Tullius and the desecration of his corpse by his daughter was *foedus*, to such a degree that the ground on which it occurred was permanently stained.¹⁵ Other events, such as bloody altercations, plagues or omens could be described as equally loathsome – a year in which a consul, four tribunes and the *flamen Quirinalis* died from plague was said by Livy to have been a *foedatus annus*.¹⁶ Unsurprisingly, Cicero uses the term frequently in his attacks on Antony, against both his sexual excesses and his unchecked cruelty, even towards Roman citizens.¹⁷ The link with bloodshed also appears in an alternative meaning of *foedare* as 'wound' or 'mutilate'.¹⁸

Inquinare: this was one of the most common verbs of pollution, and its meanings were highly variable. Once again, the context in which the pollution occurred mattered more than any single word used to describe it. The grammarian Festus suggested that *inquinare* was linked to *cunire* (to defecate), suggesting a similar process to *polluere* (discussed below) with regard to excreta, this time directly from the human body.¹⁹ The verb did possess a corresponding noun, *inquinamentum*, although (like the noun *pollutio*) this was very rarely used, even under the Principate. Gellius offers a useful point on its meaning through a discussion of *squalor*, which he believes originally referred to unsettling overcrowding/excess (*inculcatum obsitumque*), but which came to be used for describing excess dirt with such frequency that *squalor* became predominantly associated with filth (*inquinamentum*).²⁰ The *Thesaurus Linguae Latinae* also suggests a connection with common (physical) filth/dirt (*caenum/stercum*).²¹ For example, when swearing an oath, Horace's statue of Priapus states 'may my head be fouled (*inquinare*) by the excrement (*merda*) of crows... if I lie'.²² The frequent associations with the human body led Richlin to note its common usage in the vocabulary of sexual impurity,²³ although its use in these contexts is no greater than in references to other forms of criminal or religious offences,²⁴ or in references to common acts of staining or debasement.²⁵

¹⁴ Verg. *Aen.* 3.225–8. Cf. Apollod. *Bibl.* 1.9.21; Val. Fl. 4.450–6. A similar reference to excrement appears at Juv. 14.64.

¹⁵ Liv. 1.48.7. ¹⁶ Liv. 3.32.2–5. ¹⁷ Cic. *Phil.* 2.6, 15, 62–3, 86, 12.12, 13.14, 35.

¹⁸ Verg. *Aen.* 2.55, 4.673; Cic. *Har. Resp.* 49; Tac. *Hist.* 3.77.

¹⁹ Festus s.v. *Cunire*; De Vaan (2008: 304).

²⁰ Gell. *NA* 2.6.24–5. Cf. Festus s.v. *Ancunulenta*.

²¹ *TLL* VII.1811–14. ²² Hor. *Sat.* 1.8.37.

²³ Richlin (1992: 27). For example, Cic. *Cael.* 13, 78; Hor. *Carm.* 3.6.18; Petron. *Sat.* 21, 25.

²⁴ Cic. *Rosc. Am.* 62; *Tusc.* 1.72, 5.2.6; Luc. 5.290; Sen. *Contr.* 1.7.14; Flor. 1.34.

²⁵ Hor. *Ep.* 16.64; Petron. *Sat.* 102; Quint. 2.5.24.

Maculare: despite being classified by Thome as the ‘key term in the field of pollution’ in Latin language, *macula* and its verb do not appear to carry any greater force within our sources than *inquinare*, *contaminare* or others, and we have already stressed that no single ‘key’ exists in this field.²⁶ With *macula* the focus is very much on physical blots, spots, smears or stains, such as on clothing.²⁷ It appears frequently in connection with blood, and so could be used as a means of expressing culpability.²⁸ It was also a useful means of disparaging people’s characters or actions by describing them, their reputation, or their past, as ‘stained’.²⁹ When referring to staining in religion, *maculare* is typically compounded with other terms. For example, Cicero stated that Clodius polluted (*maculavit*) sacred sites ‘with every sort of unspeakable lust and crime’ (*omni nefario stupro et scelere*).³⁰ In such cases, however, greater weight appears to have been carried by terms such as *nefas* and *scelus*, which added to the force of the accusation.

Polluere: described by Beck as ‘to make dirty’, *polluere* may also be translated as to defile, violate, mix, contaminate and, of course, pollute.³¹ The word is linked to the Greek *luo* (wash), as well as *luma*, which may translate as ‘ruin’, but which may also refer to ‘scourings’ or ‘that which is washed off’.³² This corresponds with Parker’s view that waste matter which required removal might be considered especially impure.³³ Although *polluere* lacks a noun equivalent in the period we are concerned with, it is used frequently as a passive participle (*pollutus*).³⁴ It is also one of the least specific forms of impurity, appearing across literary genres. Tacitus uses the term to refer to the effects of disease,³⁵ political corruption,³⁶ and sexual assault or deviance.³⁷ In republican literature it appears in connection with the pollution of religious rites or the divine and natural order, and also within the official religious rulings of the *haruspices* (*ludos minus diligenter factos pollutosque*).³⁸ In discussing this very ruling, however, Cicero asked what greater example of pollution (*magis inquinatum*) existed than the

²⁶ Thome (1992: 77). ²⁷ Ov. *Trist.* 3.1.15; Val. Max. 3.5.1; Festus s.v. *Pura vestimenta*.

²⁸ Cic. *Rep.* 2.46; Catull. 63.7; Verg. *Aen.* 3.29; Thome (1992: 76).

²⁹ Cic. *Att.* 1.16.3; *Rosc. Am.* 113; Tac. *Hist.* 1.17, 3.38; Plin. *Ep.* 3.13, 6.31.4. ³⁰ Cic. *Mil.* 85.

³¹ Fugier (1963: 349); Beck (2004: 509); De Vaan (2008: 479).

³² LSJ s.v. *luma*. On the associations of *polluere* with ‘washing off’, cf. *TLL* 10.16.2564.

³³ Parker (1983: 102).

³⁴ The noun *pollutio* appears very rarely, and, to my knowledge, not before the fourth century AD, in the agricultural work of Palladius Rutilius Taurus Aemilianus, who reworks a sentence from Vitruvius, replacing *inquinamentum* with *pollutio* in a chapter on clean water, once again highlighting the significant overlap between these terms; Pall. 9.10; Vitr. 8.4.2; cf. Ernout and Meillet (1951: 920).

³⁵ Tac. *Ann.* 4.49. ³⁶ Tac. *Hist.* 2.76.

³⁷ Ibid. 2.37; *Ann.* 12.46; *Agr.* 31.1. Cf. Plin. *Ep.* 4.11.6; Juv. 2.29; Apul. *Met.* 10.34.

³⁸ Cic. *Har. Resp.* 21–25, 37; *Phil.* 11.29; Gell. *NA* 2.28; Bruwaene (1948: 87).

sacrilege of Clodius, demonstrating the proximity and relative flexibility of the terms *inquinare* and *polluere*. Unlike other more neutral words associated with staining, *polluere* appears to have held predominantly negative connotations – it seldom refers to favourable or acceptable mixing.³⁹ When interpreting the Athenian rule that no slave be given the name Harmodius or Aristogeiton, Gellius states that the Athenians thought it would be wrong to ‘pollute’ these names by contact with slavery.⁴⁰ Similarly, *polluere* is often used in connection with the spilling of blood, particularly when assigning blame. In his depiction of the civil wars, Lucan criticised Caesar through Pompey’s statement that ‘blood has already touched the polluted swords of Caesar’ (*tetigit sanguis pollutos Caesaris enses*),⁴¹ while Ovid envisioned a Pythagorean golden age of vegetarianism, before men ‘polluted their lips with blood’ (*... nec polluit ora cruore*).⁴²

Spurcare: although a relatively rare word in Latin language, objects or persons described as *spurcus* offer some interesting details on bodily pollution. It was described by Lewis and Short as a general action of ‘making unclean’, but has particular significance in relation to the human body, and especially the mouth. A link with the verb *spuere* ‘to spit’ may logically be assumed, and is also suggested by the frequent association of *spurcare* with physical disgust, or the need to spit something out.⁴³ Forms of the word appear throughout the comedies of Plautus in reference to various vulgar actions, such as spitting or dribbling at the dinner table.⁴⁴ Associations with oral impurity (*os impurum*) or unclean saliva are also common, and Cicero makes repeated use of the term against Sextus Cloelius, whom Cicero always attacked for his ‘impure mouth’.⁴⁵ Catullus also complains bitterly that a certain Gallus’ ‘filthy saliva (*spurca saliva*) has polluted (*comminxit*) the pure kisses of a pure girl’.⁴⁶ But saliva was not always considered impure. In other circumstances it was a healing or defensive substance, and Pliny lists a number of medical or ritual uses.⁴⁷ The emperor

³⁹ See Liv. 4.7, in which the proposal to allow marriage between patricians and plebeians is described in terms of a pollution of the bloodlines. A similar scenario occurs slightly earlier at Liv. 4.2, referring to the *lex Canuleia* as ‘contaminating’ (*contaminare*) the patrician bloodlines. Cf. Val. Max. 11.15.2.

⁴⁰ Gell. *NA* 9.2.10. ⁴¹ Luc. 2.536. Cf. 2.114 for the ‘polluted hand’ of Gaius Marius.

⁴² Ov. *Met.* 15.98. Also 15.459–478.

⁴³ For example, *sputatilica* in Cic. *Brut.* 260. De Vaan (2008: 583) also stresses the need to ‘spit out’, and highlights the links to *sputare* and *sputum*.

⁴⁴ Plaut. *Mil.* 647; cf. *Men.* 168; *As.* 807; *Trin.* 826; *Capt.* 56.

⁴⁵ Cic. *Dom.* 25, 48. Catull. 108.1–5 states that the first punishment to befall Cominius, whose life was ‘soiled’ (*spurcata*), will be the removal of his tongue.

⁴⁶ Catull. 78.7–8. *Commeiere* appears to have been very specific form of bodily pollution, typically involving urine or sex. Cf. Catull. 39.18–9, 67.30; Hor. *Sat.* 1.2.44, 1.3.90; Adams (1982: 245–6). For the connection between *spurcum* and urine (with *pollutum*), see Gell. *NA* 17.19.4.

⁴⁷ Plin. *HN* 28.35–40; McCartney (1934: 99–100).

Vespasian, while in Alexandria, was said to have cured a man's blindness with his saliva (*excrementum*).⁴⁸ In those cases where saliva is deemed beneficial, the willingness of the subject appears to have been a necessity, and it is noticeable that the power of bodily fluids is still present. However, the description of saliva as *excrementum* should serve to remind us of the ambiguous position it held.

Violare: this frequently represented an act of violence or injury to an object or person, and Varro emphasised the connotations of sexual assault, which is reflected especially in late republican poetry.⁴⁹ As such, it represented an attack, potentially resulting in the shedding of blood or of literal violation of bodily boundaries. Ovid speaks of a sacred grove as never having been violated by an axe (*silva nulla violata securi*).⁵⁰ When referring to sacred space/items, therefore, an act of *violatio* was most likely a deliberate action, which, as Varro suggests, made offences against the gods inexpiable.⁵¹

Purifying verbs

Abluere: in this case the stress is placed not only on the action of washing (*luere*), but also on sending dirt 'away'.⁵² Both Virgil and Tacitus use the term in reference to washing off the stains of battle.⁵³ Ovid used it in referring to both physical and ritual purification in the *Fasti*, when, after a speaker has sprinkled himself with water, he invokes a deity to wash away (*ablue*) any improper words he may have uttered, whether in his daily life or when invoking the names of the gods. This demonstrates the links between acts of purification and atonement.⁵⁴ The absolving of religious offences is tied to ideas of cleansing and the restoration of order, all of which the merchant expects will lead to greater success in his business.

Expiare: just as some of the pollution verbs we have discussed might not refer to an act resulting in physical pollution, *expiare* usually did not typically refer to bodily cleansing.⁵⁵ Yet it is used in reaction to many of the terms we have examined in relation to staining. Cicero discusses expiation in response to the taint of *scelus*.⁵⁶ It might also indicate the payment of a

⁴⁸ Tac. *Hist.* 4.81. For comparable examples of healing through saliva, cf. *John* 9:6; *Mark* 7:33, 8:23; Eve (2008: 1–17).

⁴⁹ Varro, *Ling.* 6.80. Cf. Catull. 67.23; Tib. 1.6.51; Ov. *Pont.* 3.5.45. ⁵⁰ Ov. *Fast.* 4.650–1.

⁵¹ Varro, *Ling.* 6.30; Macrob. *Sat.* 1.16.10. Cf. Burriss (1929b: 105–10); Scheid (1981: 121; 1999: 331–48; 2006: 24–5); Tellegen-Couperus (2012: 151–2).

⁵² Plin. *Ep.* 3.7.3; Fugier (1963: 348–9). ⁵³ Verg. *Aen.* 2.719; Tac. *Hist.* 3.32.

⁵⁴ Ov. *Fast.* 5.673–88. ⁵⁵ Fugier (1963: 336–41).

⁵⁶ Cic. *Rab. Perd.* 4.11; *Phil.* 1.30. On the expiation of *scelus*, see also Hor. *Carm.* 1.2.29.

penalty or punishment. In his speech *In Pisonem* Cicero states that the punishment for the crimes (*scelera*) of Piso has fallen on the Roman troops.⁵⁷ Horace employed the dual meanings of cleansing and atonement with reference to the civil wars when he wrote of weapons 'smeared with blood not yet expiated'.⁵⁸ Propitiation, therefore, could walk hand in hand with purification, since both could go towards the re-establishment of physical, social or religious balance. The satirist Persius also spoke of averting (*expiare*) evil against newborn children by means of purification (*lustrum*) using saliva.⁵⁹ One of the most revealing cases involving the use of *expiare* appears in Valerius Maximus, who recounts the case from Herodotus' *Histories* in which the Lydian king Croesus purified (*expiaverat*) the exile Adrastus, who had been polluted (*violatus*) by unintentional homicide, only for Adrastus to kill Croesus' own son by accident.⁶⁰ The example is highly significant, since it demonstrates a Latin author's attempts to express Greek notions of pollution and purification in his own language, with *expiare* fitting Valerius Maximus' interpretation of the Greek act of religious purification for homicide, and *violatus* signifying more than the suffering of a physical wound.

Lustrare: this term is addressed in some detail in Kirkpatrick's assessment of Mediterranean purity rituals. Much of his argument concerns the original meaning of the verb *lustrare*. He notes the potential etymological links with *luere* and *lavare* (to wash), as well as *lucere* (to shine), but seeks to prove that it did not originally indicate an act of purification.⁶¹ In its earliest state, he suggests, the verb simply meant to walk around or encircle. Nonius Marcellus notes that '*Circumferre* rightly means to purify (*lustrare*)'.⁶² Kirkpatrick examines Cato the Elder's discussion of the lustration of a farm: 'no sense of change in status for the farmland is suggested. There is no mention of water or fire; the servant . . . is merely to lead the victims around the land, thus designating the area to be favoured'.⁶³ Regarding the absence of mention for fire or water, I would argue that neither was an essential component in all acts of purification. For example, Obsequens records an occasion following a series of portents when 'twenty-seven virgins lustrated the city with a song'.⁶⁴ As to the land itself, the act of encircling

⁵⁷ Cic. *Pis.* 85 (*tua scelera di immortales in nostros milites expiaverunt*). A similar combination of cleansing and atonement, this time using *luere*, appears at Hor. *Carm.* 3.6.1.

⁵⁸ Hor. *Carm.* 2.1.5. ⁵⁹ Pers. 2.33–4. ⁶⁰ Val. Max. 1.7.ext.4. Cf. Hdt. 1.35.

⁶¹ Kirkpatrick (2002); De Vaan (2008: 354–5) is less certain about the connection between *lustrare* and washing. See Baudy (1998: 107–8, with bibliography) for a summary of the various interpretations and their supporters.

⁶² Non. 261.29; Lucil. *Fragments* 75; Steele (1894: 191).

⁶³ Cato, *Agr.* 141; Kirkpatrick (2002). Cf. Baudy (1998: 103–25).

⁶⁴ Obsequens, 35 (*virgines viginti septem urbem carmine lustraverunt*).

it *did* change its status, in that it redefined and reaffirmed its boundaries. It restored order, explaining why such an action could be equated with purification. Kirkpatrick concedes that certain *lustra* performed in response to portents and omens appear comparable to purifications, but stresses that the response to such portents was not purificatory in nature. He cites the reaction to the discovery of an owl on the Capitol as the cause of a lustration. However, it is clear that they might also be ordered after events such as rains of blood, asexual births, or wolves entering the city, many of which involved the violation of physical or natural boundaries. Contrary to Kirkpatrick's assertion, purification appears throughout. If birds of ill omen (including owls) were caught, they were killed, incinerated and then their ashes were removed from the city by being thrown into the Tiber, following established patterns of transportive purifications used to dispose of hermaphrodites and parricides.⁶⁵ It appears then that lustration, and all that it was felt to involve, should not be subjected to such rigid classification. The fact that lustrations appear so frequently as a direct response to breaches of order, especially in religious matters, suggests that they were part of a wider set of ritual actions dealing with matter out of place. The term was unequivocally concerned with purifications by the late Republic, with reference to circumambulation no longer required. Tibullus' Delia purified him with torches (*me lustravit taedis*); Aeneas' men purified (*lustramur*) themselves before rites to Jupiter; and Ovid described the sprinkling of water as an act of purification (*lustralis*).⁶⁶ With regard to religious matters it is clear that 'clean' might not necessarily mean 'pure'.

Purgare: while used for a number of forms of purification, this word is primarily concerned with removing or washing/carrying away matter out of place.⁶⁷ As such it was used frequently with reference to the physical purging of the body in medical works,⁶⁸ but also in poetry and satire.⁶⁹ Tibullus links the act of purging with that of lustration during the agricultural Ambarvalia festival.⁷⁰ Similarly, Lucan refers to the purging (*purgantes*) of city walls by means of lustration, which further demonstrates the ties between boundaries, order and purification.⁷¹ De Vaan has also stresses the etymological link to fire, with reference to leading fire around the object of purification.⁷² The noun *purgamentum* appears to have been used more

⁶⁵ E.g. Obsequens, 26 (*cinis eius in Tiberim dispersus*).

⁶⁶ Tib. 1.2.61; Verg. *Aen.* 2.79. Cf. Liv. 1.28.1; Ov. *Pont.* 3.2.73.

⁶⁷ Ov. *Ib.* 450; Plin. *HN* 20.188; Suet. *Vesp.* 8.5. Cicero famously urged Catiline to leave Rome, ordering him to 'cleans the city' (*purga urbem*); Cic. *Cat.* 1.10.

⁶⁸ Cato, *Agr.* 157.3; Cic. *Div.* 1.16; *Nat. D.* 3.57; Hor. *Sat.* 2.3.27; Cels. *Med.* 2.8.16, 2.12.1.

⁶⁹ Ov. *Fast.* 4.460; Pers. 2.16, 57.

⁷⁰ Tib. 2.1.17; Harmon (1986: 1943–55); Pascal (1988: 523–36).

⁷¹ Luc. 1.593. Also Liv. 3.18.10 (*Capitolium purgatum atque lustratum*). ⁷² De Vaan (2008: 500).

frequently than *inquinamentum* or *pollutio*, and once again points to the impurity of those things that needed to be removed or ‘washed off’.⁷³ Livy describes the Cloaca Maxima as ‘the receptacle for all the filth of the city’ (*receptaculum omnium purgamentorum urbis*).⁷⁴ While it applied primarily to human waste, the reference to *purgamenta* might also refer to non-specific forms of dirt that were thought to require removal.

Nefas and scelus

The terms *nefas* and *scelus* deserve separate attention at this stage. On many occasions they appear as the direct result of polluting actions, and while both could have milder, secular meanings, they appear frequently in connection with religious offences and might potentially be either the cause or the result of an act viewed as polluting.

Nefas: in its most basic form, *nefas*, derived from *fari* (to speak), refers to that which is ‘unspeakable’.⁷⁵ It was, however, a word with considerable religious force, and might also refer to anything that was not right or permitted. Varro believed that *dies nefasti* were so called because on those days the urban praetors were prohibited from speaking the three words (*do, dico, addico*) essential for rendering judgements. If he spoke one of these words accidentally, the offence could be ‘expiated’ (*piare*) by a propitiatory sacrifice (*piaculum*).⁷⁶ If his action had been deliberate, however, it was deemed impious and could not be expiated. This again highlights the links between issues of impiety and impurity, in which an impious action was met by expiation, which resulted in the restoration of ‘order’ and the *pax deorum*.

In general usage the term typically indicated an atrocious or offensive action. Cailliois described *nefas* as potentially referring to anything that went against divine law or the natural order, which was itself ‘a continuation of the social order’.⁷⁷ As a result, it served as an ideal label for those crimes serious enough to threaten social or religious stability. Thome also noted its frequent use in Latin poetry and drama, where it was intended to evoke fear or revulsion.⁷⁸ Palmira Cipriano’s *Fas e Nefas* (1978) remains a comprehensive study of *nefas* in Latin literature, exploring the term in relation to illicit actions resulting in sacrilege, *impietas*, violations of natural

⁷³ Columella, *Rust.* 8.17.12. ⁷⁴ Liv. 1.56.2. Cf. Plin. *Ep.* 10.41; Petron. *Sat.* 74, 134.

⁷⁵ Ernout and Meillet (1951: 386–7); Richlin (1992: 30).

⁷⁶ Varro, *Ling.* 6.30. Cf. Liv. 1.19.7; Ov. *Fast.* 1.47; Macr. *Sat.* 1.16.11. ⁷⁷ Cailliois (1959: 25–6).

⁷⁸ Thome (1992: 76). Cf. Verg. *G.* 1.505; *Aen.* 4.563; Ov. *Met.* 6.585; Luc. 2.507, 286, 7.432; Val. Max. 9.ext.4.

law, or in states roughly comparable to sin and guilt (*peccato/colpa*).⁷⁹ The term may be used to refer to sexual, violent or impious acts, but in all cases the possibility of divine anger/retribution appears present (as a result its use in invective could be considered calculated, but frequently hyperbolic).⁸⁰ Acts deemed to be *nefas* (Clodius' intrusion at the rites of Bona Dea is perhaps the most famous example, see pp. 67–9) may also have been viewed as prodigies which required expiation.⁸¹ Horace stated that under Augustus 'the pure home is polluted by no dishonour; custom and law have overcome the stain of impiety (*nefas*)'.⁸² As a result of the potential for divine anger, as well as the need for purification, the presence of *nefas* should alert us to the possibility of pollution within religious contexts.

Scelus: is frequently translated as 'crime' or 'wickedness'. It was not dirt, nor, at first glance, did it bear any relation to physical pollution. However, it is crucial to our interpretation of metaphysical pollution, and as such is particularly pertinent when examining issues of religion.⁸³ Thome gives the following summary:

Scelus is probably related to Greek σκέλος, thigh. Its Indo-European root **squel* means bending. Thus *scelus* would be crime with the implication of the distorted or inverted. From the outset, however, it is used for exceptionally vile crimes such as malicious murder, sacrilege and high treason. In extra-legal texts it can be a very effective word, mostly – as *nefas* – intensified by attributes. In addition there is an element not signified by the presumed etymology, the element of something fatal and pernicious, of being under a curse. *Scelestus* is therefore not always a criminal but also a man accursed and ill-fated, bringing misfortune to others.⁸⁴

The link between crime and distortion sits well with the main focus of Thome's article, that is, criminal actions and their social perception and repercussions. This is further stressed by Petersmann, who not only notes the link between *scelus/scelestus* and *skelos*, but also *skolios*, which can mean 'curved', 'crooked' or otherwise 'bent', and which therefore sits well with ideas of pollution and the disorder they convey.⁸⁵ When considering the

⁷⁹ Cipriano (1978: especially 82–91). ⁸⁰ For example Hor. *Carm.* 2.13.1. ⁸¹ Liv. 22.57.4.

⁸² Hor. *Carm.* 4.5.20–2 (... nullis polluitur casta domus stupris, mos et lex maculosum edomuit nefas).

⁸³ Latte (1960: 48) draws a direct comparison between *scelerare* and *polluere*. Cf. Thome (1993: 323–41), which considers *scelus* alongside *nefas* and other terms associated with religion and criminality.

⁸⁴ Thome (1992: 77; 1993: 330). See, for example Sen. *Med.* 979; Val. Max. 9.ext.2; Plin. *HN* 2.43. Due to the intended implications of crookedness, a translation of *skelos* as 'leg' is preferable to Thome's suggestion.

⁸⁵ Petersmann (1996: 672–3); Powell (2001b: 93). Cf. LSJ s.v. *skolios*. In his final assessment, Petersmann suggests that 'the antonym of *scelerare* "to pollute" is *piare* "to clean", and so *pius* is the opposite of *scelestus*'. As ever, we should be wary of accepting any single term as adequate for these concepts, and

meaning of certain words Suetonius demonstrated the prominence of pollution and impurity in relation to ideas of crime in Rome, offering a revealing interpretation of *sceleratus*: 'One who is *sceleratus* has been contaminated by their own crime, or else has been made polluted and infamous by some other contagion' (*sceleratus est suo aliquo scelere contaminatus vel aliqua contagione pollutus et infamis*).⁸⁶ *Scelus* therefore becomes a potential source of contamination, and to be *sceleratus* can also indicate exposure to some form of pollution.

Rocca also explores the idea of *scelus* as a form of distortion or deviation. Like Thome, she notes the dual nature of *scelus*, which could refer to both a crime and the resulting aura, which could contaminate people and physical space.⁸⁷ Such serious offences went against Roman custom (*mos*) and sense of right (*fās*), and appear to have had strong ties to religion.⁸⁸ The verb *scelerare*, in particular, might also indicate an action resulting in pollution. Catullus described an act of incest as polluting (*scelerare*) the household gods.⁸⁹ Nevertheless, as Suetonius shows, the verb *scelerare* was not the only term referring to actions that might result in *scelus*. We have already seen Cicero's description of Clodius as staining religious sites through the *scelus* that surrounded him, and Cicero also styled himself as one who 'protected the most pure (*castissima*) priestesses of Vesta from the madness and wickedness (*scelus*) of foolish men'.⁹⁰ This implies that *scelus* was a threat not only to religion, but also to *castitas*, the building block upon which Cicero suggests religion functioned. Wallace-Hadrill takes this idea further, arguing that *scelus* held certain similarities with the Christian concept of 'sin'. Offences that caused *scelus* also offended the gods, upsetting the *pax deorum* and requiring expiation.⁹¹ He argues that this was a major element within the literature of the Augustan 'revival', which viewed Augustus as the only man capable of removing the vast *scelus* which had both caused and been augmented by the civil wars.⁹² At the very start of his epic

keep in mind the myriad linguistic alternatives available. Ernout and Meillet (1951: 1060) similarly note the opposition of *scelerare* to *pius* in Latin literature, although they suggest that *scelus* may in fact have originated as a religious term. Thome (1993: 330–1) also acknowledged the religious undertones attached to *scelus*, as well as its ability to contaminate.

⁸⁶ Roth (1875: 318). Plaut. *Pseud.* 1130 also suggests that the gods will bring 'misfortune' (*malum*) to one who is *scelestus*.

⁸⁷ Rocca (1994: 179–82); De Vaan (2008: 544).

⁸⁸ The connection is most succinctly demonstrated in Festus s.v. *Impiatus* ('*Impiatus: Sceleratus*'). *Scelus* is similarly grouped with 'savage impiety' (*impietas ferox*) in Sen. *Hercules Furens* 96–7.

⁸⁹ Catull. 64.404.

⁹⁰ Cic. *Mil.* 85; *Dom.* 144 (... *teque, Vesta mater, cuius castissimas sacerdotes ab hominum amentium furore et scelere defendi...*).

⁹¹ Wallace-Hadrill (1982: 19–36, at 24). Cf. Attridge (2004: 71–8).

⁹² Verg. *Ecl.* 4.11–14; *G.* 506; Hor. *Carm.* 1.2.29–30; *Ep.* 7.1–20.

narrative Lucan announced his decision to sing of the terrible war in which *scelerata* acts were judged lawful (*ius*).⁹³ The links between civil war and *scelus* have been developed more recently by Marcela Nasta, who highlights the Augustan authors' paralleling of the *scelus* caused by the fratricide of Romulus with the outbreaks of civil strife during the late Republic, for which Augustus was represented as the only hope of expiation.⁹⁴

Adjectives

Castus: we have seen that for Cicero *castitas* was one of the most important expressions of purity in the Latin vocabulary. Lewis and Short link the word with the Sanskrit '*çludh*' (to cleanse) and the Greek *katharos* (clean/pure).⁹⁵ The term was frequently used in poetry in reference to sexual purity (not necessarily virginity), but was by no means confined to any one form of purity, physical or spiritual.⁹⁶ It might also be referred to as an abstract concept. It appears in Virgil as an antithesis to *scelus*, as Aeneas enters the Underworld and is told that it is not *fas* for a pure man to tread the wicked threshold (*nulli fas casto sceleratum insistere limen*).⁹⁷ Its connection to both religion and propriety is stressed by Servius, who suggests that it is an essential component of piety (*quid enim est pium nisi castum?*).⁹⁸

Purus: to be *purus* might refer to physical cleanliness, or indicate that the object (be it a person, place, or even thought) was unmixed, uncorrupted or otherwise 'intact'.⁹⁹ Ernout and Meillet equate the term with the Greek *katharos*, and note that it appears principally in Latin religious language.¹⁰⁰ Both *purus* and *castus* were discussed in a *controversia* of Seneca, on the issue as to whether a priestess should be 'chaste and from chaste parents, pure and from pure parents' (*casta e castis, pura e puris*).¹⁰¹ Seneca leans towards *castus* as an expression of sexual or moral purity, while using *purus* to describe the body as free from the stain of crime or bloodshed. However, throughout this lengthy argument even he mixes the terms, occasionally

⁹³ Luc. 1.1–2. ⁹⁴ Nasta (2001: 67–82). More generally, Liebeschuetz (1979: 55–100).

⁹⁵ Lewis and Short (1879) s.v. *Castus*; Fugier (1963: 24–31); Langlands (2006: 51, 7–9, 197–8).

⁹⁶ On sexual purity, cf. Hor. *Carm.* 3.3.23, 3.7.15; Catull. 16.5; Tib. 1.3.83; Ov. *Met.* 2.711; *Fast.* 2.139; Val. Max. 8.1; Colum. *Rust.* 9.14.3.

⁹⁷ Verg. *Aen.* 6.563. Cf. Ernout and Milleit (1951: 186) for links between *incestus*, impurity and criminal actions, which further stress the opposition of *castus* to *scelus*.

⁹⁸ Serv. *Buc.* 8.82; Fugier (1963: 339).

⁹⁹ Cic. *Div.* 1.121; *Brut.* 261; Tib. 2.1.13–4; Hor. *Carm.* 3.16.29; *Ep.* 2.15, 17.46–9; Verg. *G.* 4.163; Lucr. 1.506; Juv. 9.141.

¹⁰⁰ Ernout and Meillet (1951: 966–7). As with *pollutio*, *puritas* appears only in late antiquity; Caelius Aurelianus, *Morbum Chronicorum* 4.135; Malkiel (1992: 154).

¹⁰¹ Sen. *Contr.* 1.2.1.

using *purus* in reference to sexual purity. While these terms may have held a degree of flexibility, both states remained vulnerable to the same forms of contamination. Pollutions threatened these states, and so purification was required to restore order by restoring ‘purity’.

Profanus: the uses of *profanus* (and the verb *profanare*) are varied and at times contradictory.¹⁰² Varro viewed the origins of the term in relation to *fana* (sanctuaries), in which *profanus* meant ‘before a sanctuary’. This might indicate that an object or animal had been consecrated to the gods, and so brought before the *fanum* to be offered up.¹⁰³ In particular Varro linked *profanata* to foodstuffs to be consumed within the sanctuary. We see an example of this in Cato’s *De Agricultura*, which refers to the eating of a sacred meal after dedicating it to Mars Silvanus.¹⁰⁴ However, for an object to be ‘before a sanctuary’ might also indicate that it was unsuitable *within* sacred space. Macrobius, quoting Trebatius, believed that things were referred to as *profana* ‘because they have been taken from religious or sacred ownership and converted to the uses of men’.¹⁰⁵ In a variation of this, Festus suggests that ‘something is *profanum* because it is not taken to a sanctuary for religious purposes’ (*profanum est, quod fani religione non tenetur*), and quotes Plautus in stating that the sacred and the profane were clearly divided from one another.¹⁰⁶ So, when the temple of Vesta caught fire, Ovid imagined pious flames (from the sacred hearth) mixing with profane flames in the conflagration.¹⁰⁷ When actions, words or ‘dirt’ from the everyday (profane) world were brought into contact with the sacred, it damaged the latter and required expiation.¹⁰⁸ Livy implies that the term might equally represent a deliberate act of de-sacralisation, citing as an example the Athenians’ decision that all statues, priesthoods and sacred rites established by King Philip should be removed (*profanarentur*).¹⁰⁹ By the Augustan age the verb *profanare* had come to describe deliberate actions that damaged the sacred, and could be equated with pollution or violation.¹¹⁰ In the *Metamorphoses* Ovid described the daughters of Minyas weaving on a day sacred to Bacchus, ‘profaning’ the holy day.¹¹¹ Earlier, in 56 BC, the

¹⁰² Wagenvoort (1949: 319–32).

¹⁰³ Varro, *Ling.* 6.54. Cf. [Aur. Vict.] *De Origine Gentis Romanae* 6.5. Dowden (2000: 25) also suggests an etymological link with the Latin term *fas*.

¹⁰⁴ Cato, *Agr.* 50.2. Ibid. 132 stresses purity during this interaction with the god.

¹⁰⁵ Macrobius, *Sat.* 3.3.4 (*profanum id proprie dici ait quod ex religioso vel sacro in hominum usum proprietatemque conversum est*).

¹⁰⁶ Festus s.v. *Profanum*. Cf. Cic. *Dom.* 125; Hor. *Carm.* 3.1.1; Ov. *Met.* 2.833, 4.390; Verg. *Aen.* 6.258–9; Luc. 6.515, 8.551, 9.779, 10.195; Tac. *Dial.* 11.2.

¹⁰⁷ Ov. *Fast.* 6.44 (*mixtaque erat flammae flamma profana piae*). ¹⁰⁸ Varro, *Ling.* 6.30.

¹⁰⁹ Liv. 31.44. ¹¹⁰ Quint. *Inst.* 11.1.84; Curt. 5.1.38 (*pudorem profanant*); Petron. 89.

¹¹¹ Ov. *Met.* 4.390 (*opus . . . deum festum profanat*).

haruspices investigated a series of prodigies, and offered the conclusion that the gods were angry because sacred and religious places had been profaned (*loca sacra et religiosa profana haberi*).¹¹² Cicero and Clodius disputed the cause of this profanation, each citing the other as the culprit.

Sacer: as with *profanus*, *sacer* might indicate contradictory states, such as ‘consecrated’¹¹³ and ‘accursed’.¹¹⁴ In such cases, however, we again see the emphasis on separation and a change in status. This is further demonstrated by the jurist Gaius, writing in the second century AD, who detailed the legal differentiation between ‘sacred’ (*sacer*) and ‘religious’ (*religiosus*). Sacred, he suggested, referred to places or things belonging to the gods above (*dii superi*), while *religiosus* referred to things consecrated to the gods of the underworld (*Manes*). It was not possible for ‘divine property’ to be owned by private individuals.¹¹⁵ The importance of the term was identified early on in Douglas’ study of dirt and pollution, which stressed its variety of meanings and almost inherent ambiguity.¹¹⁶ This interpretation of the sacred was well established by the time that Douglas began work on *Purity and Danger*. The influences of Robertson-Smith and Durkheim are evident throughout her study, and their theories, along with those of Warde-Fowler, also played a central role in subsequent etymological studies of *sacer* and its cognates.¹¹⁷ As we shall see throughout the latter part of this chapter, the sacred needed to be protected from the secular and might be damaged by contact with it, which could in turn be interpreted as a transgression requiring expiation or purification.

It is not the aim of this chapter to examine every word connected with either pollution or purification. Other terms for cleansing exist (e.g. *lavare*, *perfundere*), as do terms suggesting pollution or disgust (e.g. *fastidium*, *turpis*, *foetidus*). We have also yet to encounter words linked to specific types of impurity (*stuprum*, *cruentus*, *funestus*), which will be explored in more detail in subsequent chapters. For the remainder of this chapter we shall focus on three key components of Roman religion, namely the space in which religious activities were conducted, the animals chosen for religious offerings, and those groups of people who were either chosen to perform

¹¹² Cic. *Har. Resp.* 9.

¹¹³ Liv. 5.25.7, 32.40.8; Catull. 68.75; Tib. 2.1.5; Verg. *Aen.* 10.316; Verg. *Georg.* 4.542; Hor. *Carm.* 1.28.29; Tac. *Ann.* 13.41; Schilling (1979: 56–8).

¹¹⁴ Stat. *Theb.* 2.298; Verg. *Aen.* 3.57. ¹¹⁵ Gai. *Inst.* 2.1–10; Festus s.v. *Homo Sacer*.

¹¹⁶ Douglas (1966: 9–10), discussing Eliade (1958: 14–15).

¹¹⁷ Warde-Fowler (1911a: 57); Ernout and Meillet (1951: 1033–5); Fugier (1963: 238–41); Douglas (1966: 19–27); Fardon (1987: 5–6); Fiori (1996: 7–10, 66–72); Durkheim (2001: 305–6). Agamben (1998: 75–80) describes in detail the origins and influence of the theory of ‘ambivalence’, from the nineteenth century onwards.

rites, or were marked out by some form of religious ruling. Each of the terms we have examined could refer to staining/cleansing in either secular or religious circumstances, but it is in their application to religion that we are interested. Douglas argued that dirt existed only within a system of order. Religious activities were conducted within such a predetermined order, and so we must consider how the label of ‘sacred’ affected the status of persons or spaces, as well as their susceptibility to pollution.

PART II: THE PURE AND THE POLLUTED IN ROMAN RELIGION

Sacred space

Sacred space had to be created, and once removed from the profane world it was classified as separate.¹¹⁸ One of the first steps in the creation of new religious sites was the ritual demarcation (*finire*) of the boundaries by an augur to create a *templum*, upon which the temple (*aedes*) itself would be built.¹¹⁹ The spaces allocated for the taking of auspices were similarly inaugurated and so marked out as separate (although Varro notes that the words used in the ceremony were not the same for every place).¹²⁰ Varro also states that sanctuaries (*fana*) were so called ‘because the pontiffs . . . have “spoken” (*fati*) their boundaries’.¹²¹ These imposed boundaries separated certain spaces from the rest of the world, and entering them could require changes in behaviour, dress or speech.¹²² In certain cases, where the ground had been struck by lightning, it may have been thought that a deity had chosen the space (the Sibylline books would determine which), and the augurs formally marked out the area.¹²³ There was also the far larger religious boundary that encompassed much of the city itself,

¹¹⁸ Hartmann (2010: 148–51). Cf. Eliade (1959: 20–2); Patterson (2000: especially 86–90); Cole (2004: 30–65).

¹¹⁹ Varro, *Ling.* 7.8–10; Liv. 1.18.7–10; Festus s.v. *Templum*; Serv. *Aen.* 1.92; Beard, North and Price (1998: 1.22). The status, rituals and procedures of the augurs and the differing forms of *templum* that might be created have been the subjects of extensive study. At this point in our study it is necessary only to highlight the act of ritual separation. For more extensive critical discussion of the issues surrounding augural procedure see, in particular: Catalano (1978: 467–78); Castagnoli (1984: especially 3–6); Linderski (1986a: 330–40; 1986b: 2256–96); Vaahtera (2001: 94–143).

¹²⁰ Varro, *Ling.* 7.8–9; Linderski (1986a: 338–40; 1986b, especially 2262).

¹²¹ Varro, *Ling.* 6.54 (*hinc fana nominata, quod pontifices . . . fati sint finem*).

¹²² Belayche (2007: 278–80).

¹²³ Lightning strikes are also recorded as instigating the construction of city walls, gates and statues; Cic. *Div.* 1.11–2, 16; Festus s.v. *Fulgurium*; Wülker (1903: 39); Wissowa (1912: 122 especially fn. 3); Burris (1931: 120); Hekster and Rich (2006: 156–7, with bibliography).

the *pomerium*.¹²⁴ The status, position and perception of this boundary changed over time, and it remains the focus of much scholarly debate. Gellius believed that the *pomerium* had originally been confined to the Palatine, and had subsequently been extended in later generations. Its roles were military and political as well as religious. Commanders awaiting a triumphal procession were required to wait for the senate's approval outside its limits, and Republican magistrates returning to the city lost their powers of office (*imperium*) upon crossing the *pomerium*, returning into civilian life.¹²⁵ In times of social upheaval or uncertainty this boundary might be reinforced through religious procedures, and Lucan describes a ceremony in the build-up to the civil war in which the walls of the city were cleansed in a procession that ran along the course of the *pomerium*.¹²⁶ Seeking to explain the origins of the *pomerium*, Plutarch suggested that the course of the city's walls had originally been marked by a plough which had to be lifted over any section where a gate was to be installed, otherwise the citizens would not be able to bring in or send out from the city anything deemed necessary, but not pure (*katharos*).¹²⁷ As far as Plutarch was concerned, purity was an important issue when transferring anything across a religious boundary.

Just as Cicero said the Romans should approach the gods with purity, Gellius gave a similar opinion of their temples: 'Temples . . . are to be approached not unceremoniously and thoughtlessly, but with purity (*castitas*) and due ceremony, and must be revered and feared, rather than put to common usage.'¹²⁸ When a group of exiles seized the Capitol in 460 BC their revolt was crushed, but Livy states that 'many of the exiles fouled the temples with their blood . . . the Capitol was cleansed and purified' (*multi exsulum caede sua foedavere templa . . . Capitolium purgatum atque*

¹²⁴ Cic. *Div.* 1.33; Liv. 1.44.3–4. Plut. *Rom.* 11.1–3; Tac. *Ann.* 12.23–4; Gell. *NA* 13.141–7. On the wider significance of the *pomerium*, see Boatwright (1986: 13–27, with bibliography); Liou-Gille (1993: 94–106); Beard, North and Price (1998: 1.177–81); Orlin (2008: 231–53).

¹²⁵ Dio 53.32.5 records the details of Augustus' *imperium maius*, which meant that the Princeps did not have to have his powers renewed each time he crossed the *pomerium*; cf. Rich (1990: 170); Crook (1996: 86–7).

¹²⁶ Luc. 1.592–5. Beard, North and Price (1998: 1.178) also give an example of a lustration following the discovery of a prodigy from Plin. *HN* 10.35. As with the majority of cases involving lustration, the *pomerium* itself is not mentioned directly, and Pliny opts for the more commonly used '*urbs lustrata*'. Similarly, Julius Obsequens always refers to the *urbs*, rather than the *pomerium*, when referring to the lustration of the city, but we may assume that the *pomerium* featured in this reaffirmation of the city's boundaries.

¹²⁷ Plut. *Rom.* 11.3.

¹²⁸ Gell. *NA* 4.9.9 (*templa . . . non volgo ac temere, sed cum castitate caerimoniaeque adeundum, et reverenda et reformidanda sunt magis quam involganda*). Cf. Quint. *Decl. Min.* 265; Wächter (1910: 7).

lustratum).¹²⁹ Unlawful bloodshed damaged the sanctity of the temples, and so purification was required. A second passage from Livy, concerning the heroic general Camillus, places greater significance on the sanctity and integrity of sacred boundaries, following the sack of Rome by the Gauls in 390 BC:

Firstly, because he was a most diligent worshipper, he referred those issues concerning the immortal gods to the senate, and passed a *senatus consultum*: all shrines, insofar as they had been held by the enemy, should be restored, their boundaries expiated, and expiatory sacrifices sought in the books by the *duumviri*.¹³⁰

Camillus' first action restores the order of sacred space, allowing for the restoration of social, as well as religious, integrity. Such an idea appears in Horace's ode on the restoration of Rome's temples by Augustus after the civil wars. The poet suggests that Romans will continue to pay (*luere*) for the offences of their ancestors until the city's temples, and the statues of the gods (made filthy (*foeda*) with black smoke), have been restored.¹³¹ The potential double interpretation of *luere* as both 'wash' and 'expiate' is likely to have been a calculated inclusion.

Nor were all purifications and sacrifices performed in reaction to unexpected pollutions. A *piaculum* was offered by the Arval Brothers as expiation whenever iron had to be brought into the grove of Dea Dia to cut back or clear trees.¹³² One of the most well known acts of ritual cleansing was that of the temple of Vesta. The water used for this purpose was taken from a running spring. It was fetched by the priestesses themselves, and Servius implies that once full the water's container could not be set down, as its contents must not come into contact with the earth. If they did, it was an offence (*piaculum*) that required rectification.¹³³ Servius also states that if

¹²⁹ Liv. 3.18.10.

¹³⁰ Ibid. 5.40.1–2 (*Omnium primum, ut erat diligentissimus religionum cultor, quae ad deos immortales pertinebant rettulit et senatus consultum facit: fana omnia, quoad ea hostis possedisset, restituerentur terminarentur expiarenturque, expiatioque eorum in libris per duumviros quaereretur*); Glinister (2000: 64). Cf. Obsequens, 33 in which wolves scattering the boundary stones set down following Gaius Gracchus' reforms was interpreted as a prodigy. On the religious weight attached to boundary stones and the god Terminus, cf. Dion. Hal. *Ant. Rom.* 2.74.3; Burkert (1996: 166); Huskey (1999: 77–82); Beek (2012: 26–7). Fiori (1996: 146) highlights the symbolic connection between Terminus and social order.

¹³¹ Hor. *Carm.* 3.6.1–4.

¹³² Iron appears to have been a forbidden material within the grove. *CIL* 6.2065, 6.2107; Beard, North and Price (1998: II.87–8, 151). Similar restrictions appear in an inscription from Spoleto; *CIL* 11.4766; Beek (2012: 24).

¹³³ Serv. *Aen.* 7.150. On the purity of water, cf. Mazzarino (1969–70: 643–5); Edlund-Berry (2006: 162–80).

the water was not fetched from this running stream (*fluvius*) it could not be offered to Vesta. The purification of the temple itself was also subject to a number of ritual requirements. Specifically, the sweepings (*purgamina*) from the temple had to be taken away by the priestesses and disposed of via the Tiber.¹³⁴ Even everyday dirt, dust or mess was considered more dangerous when it occurred within a sacred precinct. While the exact nature of the material is unclear (Le Gall suggests it may have included the ashes of the sacred fire collected throughout the year), the need for its removal was not. That this 'sacred dirt' posed a more significant threat is suggested by the use of the Tiber in its removal, as well as the deliberate references to this method of removal in the ancient sources. Through the river it would be carried out to the sea, which, as Lindenlauf has demonstrated, represented a 'place of no return' in the ancient world.¹³⁵ Such matter needed to be contained, or safely removed. Objects struck by lightning had to be buried by the augurs (and so put beyond the everyday world).¹³⁶ Fay Glinister has examined tiles, columns, and votive offerings buried within the sacred precincts of some temples, suggesting that even when broken or redundant, they remained sacred property, and so could not exist in the everyday world. Furthermore, if an object had been damaged (deliberately or otherwise) the action could be interpreted as a pollution. Glinister argues that the removal/burial of the items represented one stage in this expiation, and that by burying the objects the temple officials were able to dispose of sacred material that 'could be polluting if not dealt with properly'.¹³⁷ From this we already begin to see the ways in which Latin pollution vocabulary could affect religious procedures and spaces. Physical pollution could damage the ritual integrity of a religious space, but equally anything from within that space could be dangerous if it was taken out.

Animals

Just as Rome lacked a work such as *Leviticus*, it also appears to have been free from its extensive regulations and restrictions concerning 'impure' animals. Although Cicero described Sextus Cloelius as most impure (*impurissimus*) of all two-footed or even four-footed creatures, this should not be taken as an indication of the impurity of animals, but as a measure of the depth

¹³⁴ Ov. *Fast.* 6.227.

¹³⁵ Le Gall (1953: 87–8); Darian (1978: 151); Lindenlauf (2004: 416–33). On the ritual purification of the *aedes Vestae*, cf. Wildfang (2006: 6–18, with bibliography).

¹³⁶ Luc. 1.606–8; Quint. *Decl. Min.* 274. ¹³⁷ Glinister (2000: especially 68–9).

of impurity of Cloelius.¹³⁸ Nevertheless, as we have already seen with the screech owl and the wolf, certain animals were viewed as dangerous, even prodigious when they transgressed boundaries. Over a third of all prodigies recorded in Julius Obsequens' *De Prodigiiis* involve animals crossing social or religious boundaries.¹³⁹ For animals to be permitted within religious space, they would normally need to have been selected for sacrifice, which meant that they had met certain criteria that were closely tied to ideas of purity.

Sacrificial animals were classified as *sacer* before their slaughter in a religious ceremony.¹⁴⁰ In fact, animals chosen for sacrifice were identified as soon as possible after birth. They were carefully inspected for defects or lameness to ensure physical purity, and they were also expected to be of a particular size.¹⁴¹ Following selection they were marked and separated from the rest of their kind, which would be used for breeding or working in the fields. Such secular uses spoiled the 'perfection' of the sacred offering, and Ovid makes several references to heifers 'unbroken' by the yoke and unspoiled by the bull.¹⁴² Livy also mentions a sacred herd of cattle that were kept secluded in a grove outside Croton. They were permitted to graze in the surrounding fields, but no man or animal dared to violate (*violare*) their sanctity.¹⁴³ When the time came to bring the animals to be sacrificed, they might be whitened with chalk to emphasise further the impression of purity (although the fact that blemishes might be glossed over in this way should also alert us to the potential for flexibility in the selection criteria).¹⁴⁴ As we shall see in [Chapter 3](#), the inspection of the animal continued after their slaughter, when the creatures' blood and internal organs were also scrutinised for blemishes, disease or impurity. If any such imperfection was discovered the sacrifice was deemed a failure, possibly even a prodigy itself, and the whole process had to be repeated to ensure that the *pax deorum* was maintained.¹⁴⁵

One of the most prominent forms of religious avoidance visible in other cultures, such as Judaism, is the prohibition on eating certain animals. Generally speaking, however, Roman society appears to have been relatively free of religious scruples concerning the consumption of animals. Deliberate adherence to vegetarianism, for example, was a choice for only a select few,

¹³⁸ Cic. *Dom.* 48.

¹³⁹ Obsequens, 7, 12–14, 20, 26–7, 27a, 28a, 30, 32, 40, 42–3, 46–7, 49, 51–2, 55–6, 63, 68.

¹⁴⁰ Verg. *G.* 2.395 describes a 'sacred goat' (*sacer hircus*) being brought up to the altar.

¹⁴¹ Plaut. *Rud.* 1206–8; Sen. *Contr.* 4.2; Plin. *HN* 8.183; Wissowa (1912: 416). Similar acts of religious selection and segregation for animals are suggested in Htd. 2.38; Plut. *De Is. et. Os.* 363B.

¹⁴² Ov. *Fast.* 1.83–5, 3.375–6, 4.335–6. Cf. Verg. *G.* 3.160, 4.538–40.

¹⁴³ Liv. 24.3.4–5.

¹⁴⁴ Lucil. *Fragments* 1154; Juv. 10.65–6.

¹⁴⁵ Tromp (1921: 54–66); Scheid (1981: 122–3).

such as the followers of Pythagoras, but this was a choice open to a tiny minority, and appears to have been viewed with suspicion and as a mark of foreignness.¹⁴⁶ It is likely that the only meat available to most came from commonly reared animals, such as those used in sacrificial contexts. While some animals may have been excluded from the Roman diet, or reserved by a designated form of sanctity, our sources give us no indication that whole animal groups were deemed ‘sacred’ or in Douglas’ terms, ‘abominable’, in terms of eating. In fact, as Beer has stressed, Roman sources appear to be more hostile towards inflexible attitudes towards foodstuffs, such as those of Jews in the Diaspora.¹⁴⁷

Of the various animals that appear connected in some way with religion, dogs, in particular, held an ambiguous position.¹⁴⁸ Despite being domesticated and well integrated into the Roman household (as a companion to the household gods, the *Lares*), Plutarch states that it was not permitted for them to be touched or even named by the *flamen Dialis*.¹⁴⁹ The discovery of a bitch that had made a den for her litter in the temple of Juno Sospita, beneath the cult statue, was the cause of considerable anxiety, and Obsequens described the building as ‘polluted’ (*coinquinatus*). Prayers were offered, and the temple had to be restored to its former splendour.¹⁵⁰ Although they were unsuitable for general sacrifice, dogs were frequently connected with magic and the crossroads, as well as the goddess Hecate. They were used in various ritual purifications where they acted as scapegoats and recipients for other forms of bodily impurity or disease.¹⁵¹ It is in this purificatory capacity that the most famous example of dog-sacrifice in Roman religion occurred during the Lupercalia, in which the city was cleansed of impurities.¹⁵²

Humans

A person who was termed *sacer* in ancient Rome could be either protected by the inviolability of religious authority or, equally, be marked as a social outcast. In both cases, however, he or she was set apart from the rest of society and had to be treated accordingly. For religious officials and tribunes, whose persons might be considered ‘inviolable’, this could mean

¹⁴⁶ Beer (2010: 35–43). ¹⁴⁷ Ibid. 82.

¹⁴⁸ See especially Burriss (1935: 32–42); Puhvel (1978: 354–62).

¹⁴⁹ Plut. *Quaest. Rom.* 51, 111; Rose (1924: 213). Plutarch’s explanation is firmly rooted in Greek culture, however, stressing that the animal was not dedicated to any Olympian gods.

¹⁵⁰ Obsequens, 55; Cic. *Div.* 1.4, 99; Schultz (2006: 26–7). Cf. Luc. 1.559–61.

¹⁵¹ Tib. 1.5, 56; Ov. *Met.* 14.410; Luc. 6.671; Plut. *Quaest. Rom.* 52.

¹⁵² Ibid. 68. The functions of the Lupercalia are discussed in greater detail in [Chapter 4](#).

that they had to avoid certain people, places or actions which could damage their status, and that (in theory) they had to be treated with greater levels of respect.¹⁵³ Even the robes worn during religious events were required to be pure.¹⁵⁴ While visiting the Underworld, Virgil's Aeneas viewed the happy celebrations of those who had lived good lives, including those priests who had been 'pure' (*sacerdotes casti*).¹⁵⁵ Conversely, those who sullied their offices might have forfeited them, along with their privileges. Quintilian discussed an argument as to whether a man who killed a priest caught in adultery was guilty of murder. The defendant states that adultery is fouler (*turpius*) in a priest, and that, had he been found guilty, he would have lost his position anyway.¹⁵⁶ As with any evidence tied to the sphere of rhetoric, we must appreciate the possibility (even likelihood) of exaggeration, but equally we should remember that in this context Quintilian judged it a valid avenue of argument. We know from Plutarch's *Roman Questions* that members of religious colleges (with the exception of augurs) could be removed from their offices if they were condemned and forced into exile.¹⁵⁷ The rules regarding the purity of Roman 'priests' were by no means consistent, and within the surviving evidence only a very select number of positions were subject to specific regulations regarding the maintenance of purity.¹⁵⁸ Nevertheless, as Virgil's description of the *sacerdotes casti* in the Underworld suggests, *castitas* was deemed to be a desirable quality for those who were connected somehow to religious activities.

Some groups were specifically required to be free from physical defects in order to fulfil their duties.¹⁵⁹ Plutarch, again in the *Roman Questions*, considered why those afflicted with sores should not take auguries, and he recalled the criteria of physical perfection required of animals due to be sacrificed to the gods. He described such blemishes as a form of pollution (*miasmos*).¹⁶⁰ Seneca considered the case of L. Caecilius Metellus, who was (according to later tradition) blinded while rescuing the sacred images from

¹⁵³ E.g. Plaut. *Rud.* 646–7. ¹⁵⁴ Ibid. 269–71; Festus s.v. *Pura vestimenta*.

¹⁵⁵ Verg. *Aen.* 6.661.

¹⁵⁶ Quint. *Decl. Min.* 284.2.

¹⁵⁷ Plut. *Quaest. Rom.* 99.

¹⁵⁸ Beard (1990: 17–48) demonstrates the complexities that accompany the use of terms such as 'priest' in reference to pre-Christian religious officials. Unlike the priests of the Hebrew bible, for example, members of Rome's priestly colleges fulfilled a wide variety of religious functions depending both on their particular offices and the context in which they appeared. Nor were they subject to such an extensive catalogue of rules and restrictions designed to ensure a continuing state of ritual purity. Delgado (2000: 27–47) discusses the diverse range of offices that came under the general heading of *sacerdotes*. However, Beard stresses that even the term *sacerdos* is potentially misleading, since its meaning evolved over time and may originally have been applied as an 'external category'.

¹⁵⁹ Dion. Hal. *Ant. Rom.* 2.21.3; Wissowa (1912: 491).

¹⁶⁰ Plut. *Quaest. Rom.* 73; Rose (1924: 199).

a fire in the temple of Vesta, discussing whether he could keep his office following this misfortune.¹⁶¹ Arguing against this, he suggests that a blemished priest should be shunned, and that perfection must be even more carefully guarded once a man was appointed to a religious office.¹⁶² Prospective candidates for the Vestal Virgins were inspected for bodily defects and speech impediments before selection.¹⁶³ Evidence exists, however, suggesting that these regulations for those engaged in religious procedures were flexible or may have relaxed over time. First, we have Pliny's assertion that L. Metellus suffered from a stammer, which he worked diligently to overcome in order to speak the formula correctly when dedicating the Temple of Ops.¹⁶⁴ Secondly, there is the case of Julius Caesar's epilepsy.¹⁶⁵ Suetonius states that 'twice his epilepsy even interrupted public business'.¹⁶⁶ Despite the serious obstacles presented to religious duties by both conditions, neither Metellus nor Caesar appear to have been deemed unsuitable for the position of Pontifex Maximus.

Once again, however, we see that the sacred could require protection, maintenance and, if need be, purification. Priestesses might be accompanied by a lictor to clear a path and ensure they did not come into contact with prostitutes or others who were considered impure.¹⁶⁷ While discussing whether a tribune should continue working in the law courts during his year of office, Pliny states that he decided against it, since it might be deemed *nefas* for a tribune to stand while others sat, or to be interrupted by an opposing speaker, or to be silenced when he ran out of time when he could order silence from his audience.¹⁶⁸ A person engaged in a sacred or inviolable office required a change in others' behaviour, which marked him or her out as separate. Ordinary people had the potential to invalidate accidentally the prayers or actions of those performing religious ceremonies, hence the commands to keep silent (*favete linguis*) or to speak only good words (*dicamus bona verba*), before the commencement of a sacrifice or

¹⁶¹ Sen. *Contr.* 4.2. The argument was titled '*sacerdos integer sit*' (a priest must be 'whole'). Ovid portrayed Metellus entering the temple stating 'if it is a crime (*scelus*), let the punishment for the act fall on me'; Ov. *Fast.* 6.451; Plin. *HN* 7.141; August. *De civ. D.* 3.18; Morgan (1973: 37–8) stresses that Metellus' being blinded in the fire was a later invention, taken up as one of a number of popular myths surrounding L. Metellus.

¹⁶² Sen. *Contr.* 4.2 (*post sacerdotium magis est observanda debilitas*). ¹⁶³ Gell. *NA* 1.12.3.

¹⁶⁴ Plin. *HN* 11.174; Morgan (1973: 35–41). Elsewhere, however, Pliny states that Metellus was credited with being a skilled speaker (*optimus orator*); Plin. *HN* 7.140.

¹⁶⁵ Plut. *Caes.* 17, 53, 60; App. *B. Civ.* 2.110.

¹⁶⁶ Suet. *Iul.* 45 (*comitali quoque morbo bis inter res agendas correptus est*).

¹⁶⁷ Sen. *Contr.* 1.2.3.

¹⁶⁸ Plin. *Ep.* 1.23.1–3. A tribune might also be placed in an awkward position if a defendant exercised his right of appeal. Cf. Val. Max. 11.5.2.

an augury.¹⁶⁹ If anything improper happened to a tribune he was required to take ritual measures, which Plutarch interpreted as the cleansing of a pollution.¹⁷⁰

However, while being designated *sacer* could mean that a person had to guard, and be guarded, against pollution, it might also refer to an ancient tradition whereby he or she became a public enemy.¹⁷¹ Festus gives the following description of this condition:

He is *sacer*, whom the populace has indicted for a misdeed. It is not right for him to be sacrificed, but whosoever kills him shall not be condemned as a murderer.¹⁷²

In particular, those who attempted to seize power or plotted to restore the monarchy were liable to be classed as *sacer*.¹⁷³ The law stressed that, although ‘sacred’, the condemned were not sacrificed (*immolare*) in the traditional sense. They were not offered to the gods upon an altar, but for the good of the community the law protected any citizen from prosecution for homicide, deeming the action both *ius* and *fas*.¹⁷⁴ The seemingly contradictory status of the *homo sacer* has led Giorgio Agamben to suggest that such individuals were victims of a ‘double exclusion’, placed outside the realms of both human and divine law, their deaths being neither sacrifice nor homicide.¹⁷⁵ Servius offers a further example in his commentary on the *Aeneid*:

Sacer is ‘accursed’. The expression is derived from the custom of the Gauls. For whenever the town of Massilia was sickened by plague, one man from their poor was selected to be fed with pure foods for a whole year at public expense. After this, he was furnished with sacred sprigs and vestments, and was led around the whole town, receiving everyone’s curses, so that the evils of the whole town might fall on him, and in this state he was cast out.¹⁷⁶

We see the need for purity, whether it referred to food, clothing or the use of sacred plants, to ensure the recipient was fit to receive the evils of the

¹⁶⁹ Cic. *Div.* 1.102; Hor. *Carm.* 3.1.2; Tib. 2.2.1; Verg. *Aen.* 5.71; Ov. *Am.* 3.13.29; Ov. *Fast.* 1.71; Ov. *Ib.* 98; Prop. 4.6.1; Plin. *HN* 28.3.11.

¹⁷⁰ Plut. *Quaest. Rom.* 81.

¹⁷¹ Hor. *Sat.* 2.3.181; Warde-Fowler (1911a: 57–63); Bennett (1930: 5–18).

¹⁷² Festus s.v. *Homo Sacer* (*homo sacer est, quem populus indicavit ob maleficium: neque fas est eum immolari, sed, qui occidit, parricidi non damnatur*). Cf. Schilling (1979: 58); Jońca (2004: 48); Gaughan (2010: 54–6); Beek (2012: especially 26–8).

¹⁷³ Liv. 2.8.2, 3.55.4–7; Plut. *Vit. Publ.* 12.1; Fiori (1996: chapter 7). ¹⁷⁴ Liv. 3.55.5.

¹⁷⁵ Agamben (1998: 81–6, especially 82–4); Murray (2010: 64–5).

¹⁷⁶ Serv. *Aen.* 3.57 (*sacer id est execrabilis. tractus est autem sermo ex more Gallorum. nam Massilienses quotiens pestilentia laborabant, unus se ex pauperibus offerebat alendus anno integro publicus et purioribus cibis. hic postea ornatus verbenis et vestibus sacris circumducebatur per totam civitatem cum execrationibus, ut in ipsum reciderent mala totius civitatis, et sic proiciebatur*).

town at the end of his year, at which point he was to be the sole ritual receptacle for the pestilence. Once he was removed, so was the danger. In the examples of Festus and Servius, the primary aim was the protection of the wider community, for which purpose the *homo sacer* had to be expelled.

Conclusion

Much of the material discussed in this chapter has been concerned with the language of pollution or purification. This approach is important, since these were the categories through which Romans communicated ideas of dirt to one another. What quickly becomes apparent from Part I is that, despite not possessing a specific term for religious pollution, the Latin language appears to have no need of one in order to express states in which the *pax deorum* had been 'polluted'. While most of these terms denoted an action, in many cases corresponding nouns and adjectives were also employed. For the purposes of this study, no single term can be considered in isolation. Our ancient sources make no attempt to emphasise one term above all others. Yet each of the polluting terms we have explored appear to have threatened religious integrity or stability in some way.

Part II has demonstrated the emphasis on separation with regard to religion – the need to keep sacred and profane 'unmixed', and boundaries 'intact'. Anything connected to religious activity, whether this referred to a space or a living being, was carefully selected based on predetermined ideas of physical purity. Disease could not be tolerated in a sacred animal or religious official, and pollution could express such forms of damage or unsuitability. Equally, damage could be described in terms of pollution (e.g. *nefas*) where no physical stain was apparent. This extended to cases where purification was considered the best course of action to take to restore order, integrity, cleanliness or purity. The formulaic nature of Roman religion meant that these actions were performed on set dates throughout the year, as well as in reaction to specific events. Order had to be ensured.

Our examination of Latin pollution vocabulary is only the first step in this investigation, and we must shift our focus towards those acts and substances deemed to be polluting, moving beyond the words used to classify them. Existing anthropological studies of various societies have already highlighted some of the most prominent forms of impurity, and so we shall follow their example. Chapters 2, 3 and 4 will examine three of the most central causes of pollution – sexual acts and emissions, bloodshed, and death. These chapters will focus on the centrality of the human body in Roman approaches to pollution. As Douglas has demonstrated, the body is an ideal template with which to explore the importance of social and

physical boundaries. It could be both threatened by outside influences, and threatening to the integrity of other people and spaces. Finally, in [Chapter 5](#), we will draw together various strands from each of the previous chapters to consider a single speech by Cicero that demonstrates an effective and calculated use of each of the linguistic and thematic forms of pollution already considered. Within the field of polemic, the words Cicero uses are in many ways as important as the events or actions he describes, and the vocabulary we have explored in this chapter will be shown to have played a critical role in his attacks on Clodius and his allies.

Birth, sex and bodily margins

ut Livius ait, nihil tam sanctum religione tamque custodia clausam
quo penetrare libido nequeat.

‘As Livy says, nothing is made so sacred by religion, or so closed off
by defences, that it cannot be penetrated by lust’.

(Jonas Bobiensis, *Vita Columbani* 87)

Across the field of anthropological study, birth and reproduction are frequently identified as posing some danger to the sacred. As the opening passage demonstrates, sex could be considered both powerful and threatening. The moralising words of Livy, writing for a pre-Christian audience, could still strike a chord with the seventh-century Christian author Jonas. Human reproduction could be offensive to the divine, and as such sexual acts are regularly kept separate from divine spaces, images and periods of time. Even the act of birth may be a reminder of human mortality. Valeri gives the following appraisal:

The ambiguities of sexual reproduction, its evocation of death in life, of a life perennially spoiled by death, go a long way toward explaining why sex is so often taboo, especially when life is put at risk in dangerous transactions and in all other ritual activities where life is conquered at the price of death.¹

A key to Parker’s examination of sexual pollution was that sex had to be kept separate from the sacred, and so those who wished to enter sacred space or take part in certain rituals needed to distance themselves from sex in the build-up to religious events.² For Mullin and Carson, the pollution stemmed from the idea that ‘impurity is mixture and sex is seen as mingling’, while Meigs interpreted bodily emissions as dying once separated from the body.³ Of course, this did not mean that sex was universally

¹ Valeri (2000: 165); Parker (1983: 74). ² Ibid. 91; Fehrle (1910: 25).

³ Carson (1990: 158–9); Mullin (1996: 513). Cf. Cailliois (1959: 26–7); Lugones (1994: 458–79); Attridge (2004: 72).

reviled. Provided both parties have consented, it is listed by Meigs as one of the few occasions in which one's bodily fluids do not represent a danger to another.⁴ However, its incompatibility with the divine meant that mortals were temporarily polluted in a religious sense, and so could be unfit to enter sacred spaces. We have also seen Quintilian's suggestion that 'adultery is fouler (*turpius*) in a priest', and that he went as far as to argue that a priest should lose the rights of his office at the moment of discovery, demonstrating how the seriousness of sexual offences might be augmented when they came into contact with religion, and how the language of impurity could further reinforce existing views about sexual morality in the works of Roman authors.⁵ The need to separate sex from religion may originally have been an extension of shared social ideas of respect and decency.⁶ We have already noted how this incompatibility also extended to animals, selected for sacrifices as soon as they were born and kept away from profane usage, specifically manual labour and breeding, both of which 'spoiled' the otherwise perfect offerings.⁷ Again, this alludes to the wide-ranging danger posed by sex, both in Rome's public and private religious spheres. This chapter concentrates on some of the most prominent instances of sexual and bodily impurity in the Republic and early Principate.

Issues of sexual impurity outside the realm of religion have received considerable scholarly attention in recent years. In cataloguing the range of Latin sexual vocabulary, Richlin identified a number of terms commonly associated with sexual impurity: '*spurcus, inquinolatus, putidus, turpis, lutum, oblimo, rancidus, immundus, foedus/foedo, taeter, vilis*' (although this list includes terms such as *inquino*, which we have already seen as part of the wider discourse of Latin impurity).⁸ Adams collected similar data in *The Latin Sexual Vocabulary* (1982), in which he focused in particular on physical terms, such as *cunnus* and *culus*, as well as words denoting sexual acts, such as *fellare* and *irrumare*.⁹ For Adams, acts of sexual aggression were notable threats to purity.¹⁰ In both cases the focus appears firmly on the human body as the source of impurity, although the exact source of contamination varied with each context.

Birth, intercourse and menstruation are united by their roles in the human body, whose boundaries are transgressed, whether deliberately or otherwise, during these processes.¹¹ Each event brought a degree of disorder

⁴ Meigs (1978: 308–9).

⁵ Quint. *Decl. Min.* 284.2.

⁶ Parker (1983: 76).

⁷ Verg. *Georg.* 3.157–61, 4.538–43; Ov. *Fast.* 4.335.

⁸ Richlin (1992: 27).

⁹ Adams (1982: especially chapters 3–5).

¹⁰ Ibid. 199.

¹¹ Von Staden (1992: 14) lists these three acts as the 'primary uterine–vaginal sources of pollution' in epigraphic evidence, stressing female sexuality in his discussion of 'impure' medical treatments for women.

or danger, which could require the avoidance of religious spaces for a predetermined period of time, or an act of physical purification before further interaction with the sacred could take place. In other cases, certain beings represented a danger to the mortal, physical world through their polluted status. At the same time, however, each of these processes was deemed entirely necessary.

This chapter begins with a brief examination of pollution resulting from birth. Very little evidence on the subject exists for the Roman world, and that which does remain suggests that a far more flexible attitude existed towards birth than was the case in the Greek world. In fact, much of the evidence leads us to conclude that it was the mother and child who were more at risk from outside contamination during this uncertain period of transition. Following birth, we proceed more directly to the subject of sexual impurity in religion. This begins with the theme of abstinence from sex before participation in religious rites, a subject that became a favourite motif of late Republican and Augustan poets. That abstinence could be used in such contexts offers the first indication of a need to separate the act of sex from religious ceremony. From here we proceed to examples where sex was brought directly into the religious sphere. It should come as no surprise to learn that such cases were rare. The widespread condemnation (both literary and social) attached to sex in religious contexts is evidence of a widely shared understanding of its incompatibility with the sacred, as is the need for purification to correct the disruption caused to the *pax deorum*. The most famous and well-documented cases we shall evaluate are: the suppression of the Bacchanalia in 186 BC, one of the most important events in Rome's religious history; the scandal that resulted in widespread persecution of the cult of Isis under Tiberius; and finally the investigation which followed Publius Clodius' intrusion at the rites of the Bona Dea in 62 BC, which stands out as the most prominent scandal surrounding a traditional Roman cult, as opposed to the foreign rites of Bacchus and Isis.

The nature of these religious scandals leads into perhaps the most infamous examples of sexual crime in the Roman state – the violation of Vestal Virgins, and acts of incest. Both crimes, often referred to using the wide-ranging term *incestum*, presented a threat to both the family and to social ties at large. Equally important for society were those figures that sold sex as a commodity, but were condemned, for life in many cases, as polluted by their actions. Pimps and prostitutes were excluded from many religious ceremonies and kept at a safe distance from sacred persons. At the same time some ceremonies deliberately incorporated prostitutes, and these must also be examined to help develop our understanding of why

sexual impurity could be crucial in one context, and ignored in another. The chapter closes with a discussion of menstruation, which represents one of the most dangerous aspects of female bodily impurity, and paves the way for a more detailed discussion of blood as a physical substance in [Chapter 3](#). While menstruation forms the focus of considerable anthropological debate, it receives little discussion within Roman scholarship, beyond the works of medical experts. However, throwaway comments by non-medical writers are shown to suggest that widespread folklore existed concerning menstrual blood, which was thought to be both dangerous and polluting, and in some cases called for rigid control.

Birth

The process of birth was a frequent source of pollution in the Greek world. It was considered sacrilegious for a birth to take place within a religious precinct, and anyone who had come into contact with, or stayed under the same roof as, a new mother was considered unfit to enter religious space.¹² Delos appears to have imposed a particularly strict prohibition on births (and burials) taking place within its sacred boundaries.¹³ It was an act entailing great danger for both mother and child. Crucially, it involved the loss of control over both the body's boundaries and the flow of its emissions. In particular, there was the shedding of blood, which may also have been compared with the process of menstruation. The mother's physical weakness left her vulnerable to medical complications, while her temporary liminal status (physical, social and sexual) left her vulnerable to external dangers. Finally, the family and wider society needed time to readjust and adapt before the reintegration of the new members.¹⁴

Censorinus bridged the gap between Greek and Roman traditions concerning birth. Quoting from the Greek tradition, he suggested that for the first forty days of pregnancy, and for forty days after birth, women were expected to avoid sacred spaces (although they could enter temples after the first forty days of pregnancy to pray for a safe delivery).¹⁵ Censorinus believed that the reason for this prohibition was that until the fortieth day after birth 'the majority of new mothers are sickly, and are sometimes unable to control the [flow of] blood, while the newborn are unhealthy

¹² Eur. *IT* 380–4; Paus. 2.27.1; Wächter (1910: 25–8); Parker (1983: 33–4, 39); Cole (2004: 36).

¹³ Thuc. 3.104.1–2; Ar. *Ran.* 1080.

¹⁴ Van Gennep (1960: 50–64); Hertz (1960: 37–53); Parker (1983: 52); Shaw (1996: 100–38); Mullin (1996: 511–12, 520); Bendlin (2007: 182–3).

¹⁵ Censorinus *DN* 11.7; Wächter (1910: 33–4).

for about the same time, without laughter, and not without danger'.¹⁶ The stress on the loss of the body's control over its own emissions as a source of pollution is telling, and demonstrates the most threatening element of birth.¹⁷ The subsequent comment on dangers to infants also highlights the dangers of pollution from the outside world.

Evidence for birth-pollution in Roman society is relatively sparse. The words of Censorinus, writing well into the High Empire, cannot be wholly relied upon as an indicator of Roman custom, or even widespread practice in his own day. Soranus, a Greek doctor of the Antonine period, suggests that the first act after birth was to place the baby on the ground so that its body could be thoroughly inspected to ensure that it had no physical defects.¹⁸ However, Dasen notes that by the time of Soranus, the discovery of physical defects no longer held religious significance (as they did during the Republic), although it might still affect whether the *paterfamilias* chose to expose the infant.¹⁹

One of our most important pieces of evidence comes from Festus, describing a ceremony to welcome children officially into the family: '*lustrici* refer to those days, the eighth for girls, the ninth for boys, on which the children are purified (*lustrare*), and assigned their names'. The practice was known well enough for Plutarch to consider why boys and girls had the ceremony performed on different days, and was also discussed by Macrobius in the *Saturnalia* as part of a wider discussion of the significance of eighth and ninth days.²⁰ The need for ritual lustration at the same time as the child's acceptance into the family marks a logical rite of transition and integration.²¹ Yet the need for purification may also suggest that pollution of some sort surrounded both mother and child until their successful return to the family. Certainly both would require physical cleansing in the aftermath of the birth, but this hygienic measure may have formed only part of the protection offered to the pair.

¹⁶ Ibid. (*post partum quadraginta diebus pleraque fetae graviores sunt nec sanguinem interdum continent et parvuli ferre per hos morbidi sine risu nec sine periculo sunt*). Plin. *HN* 7.2 also refers to the 'laughter' (*risus*) of children as not beginning until after the fortieth day.

¹⁷ Köves-Zulauf (1990: 221) places similar emphasis on the loss of control over the flow of bodily fluids, and notes that the mother may have remained in such a state past the *dies lustricus*.

¹⁸ Sor. *Gyn.* 2.10.

¹⁹ Dasen (2009: 199–214 at 200–1). Dasen's article reassesses the various rites of passage thought to surround both the process of birth, and the incorporation of the newborn child into the Roman family. Cf. Allély (2003: 127–56; 2004: 73–101).

²⁰ Festus s.v. *Lustrici* (*Lustrici dies infantium appellantur, puellarum octavus, puerorum nonus, quia his lustrantur atque eis nomina inponuntur*); Plut. *Quaest. Rom.* 102; Macrobi. *Sat.* 1.16.36; Tert. *De Idolatria* 16; Rose (1924: 210–11); Breemer and Waszink (1947: 257); Rüpke (2007a: 231).

²¹ Van Gennepe (1960: 62–4).

Persius describes a custom of averting (*expiare*) the evil eye from newborn babies with saliva, but he attributes this act to a superstitious aunt (*metuens matertera*) and it may be no more than a poetic flourish on the writer's part.²² Augustine records that mother and child were protected immediately after the birth by a form of ritual sweeping of the threshold, ostensibly to protect them from the ancient Italian god Silvanus.²³ While Augustine's use of antiquarian sources again calls for caution, the ritual sweeping of the threshold appears elsewhere in the literary evidence, and appears to have been performed following the death of a family member (discussed in [Chapter 4](#)). Considering the funeral scenario, Latte stressed that the act of sweeping was crucial for maintaining the purity and integrity of the household.²⁴ In both cases a period of danger and liminality was countered by a ritual act of cleansing. The purification of the house's threshold may also allude to the protection of those bodily boundaries that have been breached by the birth. Juvenal implies that households celebrating the birth of a child also decorated their doors and thresholds with 'full-grown laurel' (*grandis laurus*),²⁵ which appears across Roman literature as one of the key instruments (*februum*) used in purification.²⁶ Less is known about the role of the goddess Candelifera, in whose honour a candle was lit during childbirth, although Rose argued that this was 'to scare away evil influences'.²⁷ However, the general nature of the evidence surrounding birth suggests that the mother and newborn child were at greater risk from outside forces than society was from them. Beyond birth itself, children remained in a precarious position. Gellius describes the danger of potential 'infection' (*contagio*) for a child who is suckled by a barbarous, untrustworthy, or unchaste (*impudica*) slave instead of its natural mother.²⁸ Other family members do not appear to have been polluted by their proximity to the process of birth. Augustus' father attended the Senate's meeting (held in the temple of Jupiter Stator) during the revolt of Catiline on the same day as his son's birth, albeit having been detained by the birth itself.²⁹ Gellius also implies that it was acceptable to attend a home where a birth had taken place immediately, without fear or precaution.³⁰ While the extent

²² Pers. 2.31–4.

²³ August. *De civ. D.* 6.9; Burriss (1929a: 152–3, also 61); Bailey (1932: 38). Cat. *Agr.* 83 notes that women may not attend the country rites of Mars Silvanus. Warde-Fowler viewed both deities as an offshoot of the same primal deity; Warde-Fowler (1911b: 132–2); Burriss (1925: 221); Dumézil (1970: 34–5, 616–17).

²⁴ Latte (1960: 101–2). ²⁵ Juv. 6.79.

²⁶ Ov. *Fast.* 2.25–6, 3.137–42, 4.725–8; Festus s.v. *Laureati*; Ogle (1910: 287–311); Curran (1981: 209–12); Parker (1983: 228); Kellum (1994: 213).

²⁷ Tert. *Ad nat.* 2.11; Rose (1924: 79). ²⁸ Gell. 12.1.18–9.

²⁹ Suet. *Aug.* 94. ³⁰ Gell. *NA* 12.1.1–2; Dixon (1988: 238–40).

of the threat from pollution following a birth is unclear, it appears that some degree of danger existed. Furthermore, the threat could be countered through the use of purificatory instruments or actions. With sexual intercourse, however, a strict line needed to be drawn separating religion and the act itself.

Abstinence first

Varro believed (incorrectly) that the Latin word for 'boy' (*puer*) had its root in the term *purus*, since boys under the age of fifteen were sexually inactive, and so, 'pure'.³¹ Columella also stated that cooks, bakers and those who serve food should be chaste, but that if they did have sex they should cleanse themselves with water before returning to their duties.³² As Holt Parker observes, 'sexual purity and virginity are not identical'.³³ Amongst sexually active Roman adults, sexual purity had to be achieved by a token period of abstinence, which served to distance them suitably from the act before entering divine precincts. King Numa, the mythical founder of many of Rome's most ancient religious festivals and priesthoods, was said to have received prophecies within a sacred grove after observing a period of sexual abstinence, combined with ritual sprinklings of water and a strict vegetarian diet.³⁴ The *flaminica Dialis* was forbidden to touch her husband in June until after the cleansing of the temple of Vesta was completed and the dirt expelled via the Tiber.³⁵ Such acts of ritual abstinence were assumed to be a hallmark of foreign cults, and some poets used this for comical effect. Both Propertius and Tibullus wrote despairingly of their mistresses, as neither would sleep with them in the days leading up to a festival of Isis, with Tibullus' Delia insisting that she must sleep in a pure (*purus*) bed.³⁶ In an interesting reworking of this idea, Propertius' Cynthia forces her lover to submit to ritual purifications after catching him in the company of other women: 'Then, fumigating every place those girl intruders had touched, she scoured the threshold with pure water, and

³¹ Censorinus *DN* 14.2. Parker read a similar meaning in Catullus' reference to hymns sung by 'intact' children (*puellae et pueri integri*); Catull. 34; Parker (1983: 79).

³² Columella *Rust.* 12.4; Burris (1931: 92); Deonna and Renard (1961: 27). The fear of ingesting 'foreign matter' appears a likely explanation in this case. Cf. Hdt. 1.198.

³³ Parker (2004: 566). ³⁴ Ov. *Fast.* 4.657. ³⁵ Ibid. 6.227–33.

³⁶ Tib. 1.3.23–6; Prop. 2.33.1–6. The requirement of ritual abstinence is also attested in Plut. *De Is. et Os.* 2. Centuries later, the piety of the emperor Severus Alexander was demonstrated through his worshipping his household gods each morning, unless he had had sex the night before; SHA, *Alex. Sev.* 29.2. Cf. *Pesc. Nig.* 6.7. Pescennius Niger was said to have been selected to perform certain Gallic rites specifically because he was chaste.

ordered me to change my clothes again completely and touched my head three times with sulphurous flames.³⁷ In this imaginary case, therefore, intercourse is thought to have damaged not only the protagonist, but also the house itself. As a result, much of the purification involves the cleansing of the property and the restoration of its physical integrity. The scene is both comical and over-the-top, but it still demonstrates the connections that an author could draw between illicit sex and the need for purification.

Temporary abstinence was not just confined to foreign cults, for which poets could exploit long-standing preconceptions about excessive Egyptian purity requirements in religious practices.³⁸ Equally notable were a number of Italian rites, each connected in some way or other with fertility. Most prominent were the annual rites to Ceres, which were performed at all crossroads in the city by Roman *matronae*, commemorating the kidnap of Proserpina, and Ceres' search for her daughter which resulted in the story explaining the changing seasons.³⁹ Ovid repeats the theme used by Tibullus and Propertius in a description of the Cerialia in his *Amores*, complaining that, despite her role as the bestower of fertility, Ceres has caused his lover to avoid his bed.⁴⁰ This is developed in the *Metamorphoses*, where Ovid implies that the period of abstinence lasted for nine nights before the festival: 'The pious matrons were celebrating that annual festival of Ceres at which, having covered their bodies with white garments, they give as first offerings garlands made from wheat, and for nine nights they consider sex and contact with men forbidden'.⁴¹ Aspects of the festival of Ceres have led to comparisons with the Greek rites in honour of Demeter at the Thesmophoria festival, which were also overseen by female officials. The cult of Ceres herself was thought to have been imported, with the custom of male exclusion maintained by the Romans after their annexation of the rites.⁴² Cicero reveals that men were not permitted to enter the shrine to Ceres, while Livy adds that it was considered *nefas* for women to attend if they were in mourning, a stipulation which caused considerable problems in the wake of Cannae, where so many families were technically excluded

³⁷ Prop. 4.8.81–8 (*dein, quemcumque locum externae tetigere puellae, suffiit, at pura limina tergit aqua, imperat et totas iterum mutare lucernas, terque meum tetigit sulphuris igne caput. atque ita mutato per singula pallia lecto respondi, et toto soluimus arma toro.*)

³⁸ Hdt. 2.64; Parker (1983: 74).

³⁹ Festus s.v. *Graeca sacra*; Serv. *Aen.* 4.609; Ov. *Fast.* 4.393–620; Frazer (1929: III.262–312).

⁴⁰ Ov. *Am.* 3.10.1–18. The responsibility for fertility is emphasised by the role of Ceres in the Roman marriage ceremony; Burriss (1931: 89); Spaeth (1996: 110).

⁴¹ Ov. *Met.* 10.431–5. The reference to *matronae* confirms that virginity was not a prerequisite of the festival.

⁴² Cic. *Balb.* 55; Leg. 2.21, 36–7; Spaeth (1996: 103–13). For comparison with the Thesmophoria, see Zeitlin (1982: 129–57).

by their polluted status.⁴³ Over a century later the narrator of Juvenal's sixth *Satire* joked of the sexual impurity that was rife throughout the city in his own time, stating that 'few women are worthy to touch (*contingere*) the bands of Ceres – what father does not fear their kisses'. The dual nature of *contingere* as both touch and stain invites the interpretation of pollution here.⁴⁴ Propertius imagines a similar idea for the ancient town of Lanuvium, in which the town's maidens were required to feed a sacred serpent who would only eat the food they offered if they were chaste. If they returned successful from their task, the farmers rejoiced, expecting a propitious harvest.⁴⁵

In such cases agricultural fertility is linked to the chastity of Rome's maidens and the fidelity of her matrons.⁴⁶ For the ritual of the Ambarvalia, however, we see a more direct prohibition of sexual intercourse in general. Tibullus' idyllic scene at 2.1 describes the lustration of crops and fields. Purity and purification are emphasised throughout the passage, beginning with the order that those who have had sex the night before should not approach the altar.⁴⁷ Immediately following this, worshippers are instructed to attend in *purae vestes*, and to carry water for the lustration from the spring with *purae manus*.⁴⁸ Regardless of the accuracy of Tibullus' picture, purity fits into his picture of a rustic agricultural festival, which his audience must be expected to appreciate. Sexual abstinence fits into a wider scheme of purity at work in religious rituals, although how strictly such regulations were observed is debatable. Columella was aware that many people no longer followed ancestral traditions in his own day.⁴⁹ In the works of poets and satirists we may be viewing an illusion – a 'pure' Rome that never was, but this does not change the fact that the separation of sex from religion seems to have persisted as an idea which was clearly meant to be recognised by contemporary audiences.

Often the origins of these demands of sexual abstinence appear to have been based on a perceived link between sex and agricultural fertility. Burriss suggested a sympathetic connection between the two, in which human sexual activity might draw power away from the fertility of the land.⁵⁰ Given the frequent references to chastity and fidelity in relation to agricultural

⁴³ Cic. *Verr.* 2.4.99; Liv. 22.56.4–5, 34.6.15.

⁴⁴ Juv. 6.50–1 (*paucae adeo Cereris vittas contingere dignae, quarum non timeat pater oscula*). Kisses were also a famous means of transmitting the infection of sexual pollution, cf. Catull. 79, 99.10; Cic. *Dom.* 25; Sen. *Contr.* 1.2.9, 12; Richlin (1992: 27–31); Butrica (2002: 507–16).

⁴⁵ Prop. 4.8.3–14. ⁴⁶ Spaeth (1996: 111). Cf. Burkert (1985: 243–4). ⁴⁷ Tib. 2.1.11–2.

⁴⁸ Ibid. 2.1.13–6. Tibullus also refers to the vestments as 'white' (*candida*), once again emphasising cleanliness.

⁴⁹ Columella, *Rust.* 2.22.5. ⁵⁰ Burriss (1931: 94).

ceremonies, and especially the goddess Ceres, this appears plausible, and would further explain why agricultural land was felt to require purification. Equally, the build-up of expectation resulting from abstinence served to further set the rite apart from everyday activities.

So far the phenomena we have been examining have been concerned with the protection or preservation of purity, cleanliness or physical integrity. We must now proceed to those acts or persons who threatened physical or moral order through sexual activity, beginning with those cases where sexual intercourse was illicitly introduced into religious ceremonies.

Sexual scandals

Livy records that ten nights of sexual abstinence were required in the build-up to secret rites of the cult of Bacchus, which had spread from Greece into Italy by the early second century BC.⁵¹ In Livy's dramatic account, an innocent youth, duped into joining the cult by duplicitous relatives, was said to have been ordered to keep himself pure (*castus*) during this time, after which he would be cleansed (*lavare*) with pure water and then led to the shrine for initiation. These requirements appear similar to those we have already seen and appear part of the proper preparations for any ritual observance, in keeping with Cicero's insistence that worshippers approach the gods 'with purity'. However, the practices of this cult were to form the basis of the greatest religious scandal in the history of the Republic.⁵² The cult's foreign origin, alongside allegations of rape, debauchery, fraud, murder and arson, all performed under the cover of darkness, led to suppression and executions across Italy in 186 BC. While the threat to social stability appears to have been the primary motivation behind the senate's decision to suppress the cult, the acts of mixed-sex revelling and drunken orgies by citizens (and especially the young) were seized upon and embellished in historical reports, and pollution is a recurring motif throughout the much later narrative of Livy, and several brief extracts from Valerius Maximus.

According to Livy the cult was originally restricted to women only, but had degenerated after spreading like an infection (*contagium*) from Etruria to Rome. Its emphasis on recruiting the young enhanced the view of the cult as a corrupting influence (*corruptela*), as did the participation of slaves

⁵¹ Liv. 39.9–10.

⁵² For details of the suppression of the Bacchanalia and Livy's detailed narrative of events, see especially Pailler (1988: 195–245). Also Beard and Crawford (1985: 38–9); Scafuro (1989: 119–42); Turcan (1996: 291–325, especially 300–7); Walsh (1996: 188–203); Beard, North and Price (1998: I.91–6); Pailler (1998: 67–86); Pagán (2004: 50–67); Robinson (2007: 7–29); Briscoe (2008: 230–91).

on equal terms with free-born citizens and the predominance of women in general.⁵³ In distinguishing between physical and social boundaries, Douglas stressed that marginal social groups expressed their status through a 'slackening of bodily control', such as sexual promiscuity.⁵⁴ However, it may be equally accurate to state that marginal groups are *perceived* by others as morally ambiguous, and so were thought to be a threat to the strict ritual performances of state religion. Pollution served as an ideal indicator of crisis, giving expression to this disorder.

Livy makes repeated references to the sexual offences (branded as *stupra* and *libidines*) alleged to have taken place. He depicted the consul breaking up these nefarious gatherings with the support of the gods, whose 'divinity has been outrageously contaminated by crimes and lustful acts' (*numen sceleribus libidinibusque contaminari indigne*), emphasising the contaminative nature of both sexual intercourse and *scelus* within religious rituals.⁵⁵ The participants were viewed as 'overwhelmed by lust' (*hi cooperti stupris*), their religion, corrupted (*prava*), and the site of their rituals, obscene (*obscaenus*).⁵⁶ In a passing reference, Valerius Maximus described the consuls being ordered to investigate women 'who had made impure (*incestus*) uses of the sacred rites of the Bacchanalia'.⁵⁷ While revelling and excess were established aspects of Bacchic worship, the introduction of men into the rites, combined with acts of sexual assault (*stupra*), led to them becoming 'sacrilegious meetings' (*nefarii coetus*), violated (*violare*) by the actions of the worshippers.⁵⁸ Across this handful of statements we see a significant variety of terms denoting corruption and infection. The suppression of the cult appears to have been a primarily political action; concerns about religious purity would have been unlikely to trigger such an extensive and bloody response.⁵⁹ Nevertheless it is important to note the prominence of pollution as a recurring theme in the reports of Livy and Valerius Maximus, and the persistence of 'out-of-place' sexuality as a perceived cause of divine anger. Similarly, the wide range of pollution vocabulary is further testament to the flexibility of Latin language regarding impurity. Since the reality of what occurred during these revels was unknown, no specific acts could be listed, but the mingling of the

⁵³ Liv. 39.9–10, 15; Edwards (1993: 43–4). ⁵⁴ Douglas (1996: 93).

⁵⁵ Liv. 39.16. Cf 39.18 for contamination through *stuprum*. ⁵⁶ Ibid. 39.15–16.

⁵⁷ Val. Max. 6.3.7. ⁵⁸ Liv. 39.16–8.

⁵⁹ The inscription recording the decree of the senate from 186 BC focuses primarily on limiting the size of the meetings and ensuring that the urban *praetor* had granted permission for the cult to practice. The issue of sexual activity is not mentioned, although male citizens may have required permission to take part in rites, and the number of participants was severely restricted; ILS 18; Beard, North and Price (1998: II.290–1).

sexes in an uncontrolled, sacred, environment allowed Livy and others to play upon their audience's prurience and prejudices about inappropriate religious behaviour. Following the backlash any form of Bacchic worship required the permission of the urban praetor and, most importantly, could include no more than five worshippers in attendance, with no religious officials.⁶⁰ The requirement of ten days' abstinence fits with the established ideas about participation in such rites, and it is plausible that such regulations had existed before the 'corruption' of the cult on Italian soil.

The worship of Isis, which we have already seen linked to abstinence by Propertius and Tibullus, was also rumoured to encourage immoral behaviour. The narrator of Juvenal's sixth *Satire* compared the temple of Isis to a brothel.⁶¹ Tacitus and Suetonius both refer to persecutions of Egyptian cults under the reign of Tiberius, in which large numbers of Egyptians, as well as Jews, were deported from Italy.⁶² The Jewish historian Josephus offered a more colourful explanation for the persecution, which he suggested was the result of the mixing of sex with religion and the corruption of a Roman matron. A noblewoman, Paulina, after refusing the advances of one Decius Mundus, was tricked into sleeping with him within the sanctuary of Isis, while he took on the guise of Anubis. Upon discovery, her husband complained to Tiberius, who crucified the temple attendants (who had colluded with Decius), destroyed their temple and cast the statue of Isis into the Tiber.⁶³ Heidel suggests that Paulina's initial willingness to participate meant that this was an expected rite of initiation for her, and that the crime lay in Mundus' unauthorised intrusion. It is highly improbable, however, that such practices would be permitted, particularly if they involved high-ranking, married noblewomen. The element of disguise is made all the more unlikely given the striking similarities within the story to the myth of Nectanebo II, who allegedly seduced the mother of Alexander the Great in the guise of the god Ammon.⁶⁴ The specifics of Josephus' account invite a degree of scepticism. However, it is interesting to note that in Tacitus' account, the expulsion of Egyptian rites and practices appears as part of a wider list of senatorial decrees designed to check the spread of 'women's lusts' (*libido feminarum*), and also deals with the issue of marital infidelity.⁶⁵ Rogers argued that Mundus and the attendants were

⁶⁰ Ibid; Liv. 39.18.

⁶¹ Juv. 6.488–9. Pomeroy (1975: 219) notes the role of prostitution in Isis' mythical narrative.

⁶² Tac. *Ann.* 2.85; Suet. *Tib.* 36; Moehring (1959: 294–5). Cf. Dio 40.47.3, 42.26.5.

⁶³ Jos. *AJ* 18.65–80.

⁶⁴ [Callisthenes], *Alexander Romance* 8–11; Moehring (1959: 298); Ogden (2002: 59).

⁶⁵ Tac. *Ann.* 2.85.

tried under the rules of the *lex Iulia de adulteriis*, for accepting bribes resulting in illicit sexual intercourse (*stuprum*). Equally, ‘Paulina was guilty, however excusably, of religious prostitution’.⁶⁶ By this action, the cult changed from being a curious foreign anomaly to a religious threat to Roman social conventions, specifically the chastity of respectable Roman matrons. The disposal of the image of Isis in the Tiber was far more symbolic than the senate-sanctioned dismantling of Egyptian religious sites under the Republic. Le Gall interpreted the presence of the cult, even outside the *pomerium*, as a stain (‘souillure’), which the Tiber was required to expiate (the disposal of the cult statue coinciding with the expulsion of Egyptian cults from Italy).⁶⁷ It might also have been part of the expiation of the religious offence caused by Paulina’s seduction.

Despite these sporadic attacks on sites of Egyptian worship, the cult endured, prospering under later emperors including Otho, Vespasian and Domitian.⁶⁸ However, the cult was never entirely free from the suspicion of Roman onlookers. We have already noted Juvenal’s comparison of an Egyptian temple to a brothel. The satirist goes on to criticise those who dress as Anubis and demanded bribes in reparation for broken vows of chastity. Like the attendants of Isis who had betrayed Paulina, such men were attacked because they valued money above religious scruples and chastity. However, the speaker appears even more scathing about those who believe their lies: ‘She even believes she is instructed by the voice of Isis herself – that is the sort of spirit and mind that the gods talk to at night!’ Such comments might well have contained intentional (and less than sympathetic) references to Paulina’s seduction.⁶⁹

Both the scandals of Paulina and the Bacchanalia involved what ancient writers viewed as the suppression of corrupting foreign influences. In 62 BC, however, there occurred a scandal involving the pollution of a traditional state-sanctioned ritual by a Roman citizen, when P. Clodius was found to have intruded on the rites of Bona Dea. The wider implications of this incident are explored in greater detail in [Chapter 5](#) as part of the wider conflict between Cicero and Clodius, and for the present we need concern ourselves only with the issue of sex in a religious context, and the pollution that it might generate.

⁶⁶ Rogers (1932: 252–3); Heidel (1920: 41–3). Both authors link this story to the prosecution of Fulvia, who also fulfilled the role of a temple prostitute by providing gold and purple cloth for the Jewish temple in Jerusalem. On sacred prostitution as a construct of ‘outsiders’, see Budin (2006a: 77–92).

⁶⁷ Le Gall (1953: 83) also suggests that other equipment from the temple was also cast into the river, based on the archaeological discovery of various foreign implements. As he notes, however, positively identifying such items as belonging to a specific temple is impossible.

⁶⁸ Suet. *Orb.* 12.1; *Vesp.* 7.1; *Dom.* 1.2; Witt (1997: 222–42). ⁶⁹ Juv. 6.530–41.

The public worship of Bona Dea was a strictly female affair, conducted every year, at the house of a magistrate with *imperium*, on behalf of the whole populace. In 62 BC the ceremony was held at the house of Julius Caesar, the *pontifex maximus*, and was attended and presided over by the Vestal Virgins themselves. It was within this most auspicious context that Clodius was discovered dressed as a slave girl and attempting to gain access to the house, allegedly to seduce Caesar's wife. The scandal was widely publicised. Caesar immediately divorced his wife. The pontiffs, along with the Vestals themselves, were ordered to investigate. They concluded that his intrusion had been *nefas*, and Clodius was tried *de incesto*, only narrowly escaping through extensive bribery.⁷⁰ The verdict of *nefas*, however, had been rendered by members of a leading priestly college, and Cicero would continue to use this act of sacrilege in his invective against Clodius.

By his actions, Cicero asserts, Clodius had robbed the house of the *pontifex maximus* of its *religio*, making it a place of 'impure lust' (*incestum stuprum*).⁷¹ The presence of a man at the women-only rite would be bad enough, but Clodius 'polluted the sacred rites, not only by viewing them, but also through his twisted depravity and lust'.⁷² The scene is repeatedly described as a 'violation' (*violare*), of either the rites of the Bona Dea, or, more generally, the dignity of the goddess.⁷³ Years later, after Clodius' assassination, Cicero described him as one 'whose unspeakable adultery upon the most sacred couches of the gods was discovered by the most honourable of Roman women; one whose punishment the senate repeatedly judged correct for the expiation of religion'.⁷⁴ The initial act of intrusion appears as only a prelude to the far more serious attempt at a sexual liaison, which was compounded further by the fact that it was an adulterous relationship, and with the wife of the chief pontiff in his own house. Whether or not Clodius achieved his alleged goal, the ritual of Bona Dea (like Caesar's wife) needed to be above suspicion.

Like the rites in honour of Ceres, the festival in honour of Bona Dea has been compared with the Greek rites of the Thesmophoria, particularly through the demands of ritual chastity in otherwise fertility-based ceremonies.⁷⁵ Versnel stresses that the 'suspension of the procreative

⁷⁰ Cic. *Att.* 1.13; Dio 37.46.1. ⁷¹ Cic. *Dom.* 104; *Har. Resp.* 4.

⁷² Cic. *Dom.* 105 (*non solum aspectu, sed etiam incesto flagitio et stupro caerimonias polluit*). Cf. 126; *Har. Resp.* 8.

⁷³ Cic. *Dom.* 112, 140; *Har. Resp.* 5, 8, 12, 37, *Mil.* 59.

⁷⁴ Cic. *Mil.* 72–3 (... *cuius nefandum adulterium in pulvinaribus sanctissimis nobilissimae feminae comprehenderunt; eum, cuius supplicio senatus sollemnis religiones expiandas saepe censuit*).

⁷⁵ Farnell (1907: 3.101); Rose (1924: 177–8); Parker (1983: 81–3); Versnel (1992: especially 32–6); Beard, North and Price (1998: 1.296).

function in an otherwise overtly procreative context is . . . the core of the “message” of this festival’. He links this to a divergence between socio-biological imperative and socio-cultural ideology.⁷⁶ While the Roman *matronae* were performing fertility rites, their seclusion and permitted licence threatened patriarchal authority and assurances of chastity and fidelity. As a result they were required, temporarily, to become *virgines*. Even myrtle was excluded from the ceremony, as it was a plant associated with Venus, and therefore, seduction and sexuality.⁷⁷ This suggests that Clodius’ presence would have been thought to lead automatically to sexual pollution; the women celebrating the rites had drunk wine and were without suitable supervision or control. Cicero was subsequently able to play rhetorically upon these fears in the *De Domo Sua* to discredit Clodius’ religious authority, and again in the *De Haruspicum Responsis* to demonstrate that this violation had resulted in the outbreak of prodigies under investigation by the *haruspices*.

In terms of approaching religious rituals, Parker’s theory that abstinence or purification from sex representing an act of respect towards the gods is evident in the examples we have examined. However, we have also seen that sexual pollution might cause greater damage in some cases than in others. The threat to fertility rituals, or those with an emphasis on purification, is particularly prevalent. In cases of rites not directly threatened by sexuality, references to purity may also be taken to indicate the need for fresh clothes and physical cleanliness. It is also important to recognise that each of these scandals involved serious breaches of morality, the concern for which often appears equal to, or greater than, the fear of pollution. Threats to marital fidelity are especially prominent, but we also see threats posed to the wider family and household. In the case of the Bacchanalia, there was also the potential breakdown of social divisions because of the unregulated participation of slaves and freeborn together. As well as highlighting the potential threats to religious rituals or spaces, the repeated use of terms connected to pollution and impurity served to mark these acts out as alien and out of place.

The Vestals

The nature and status of the Vestal Virgins, who held perhaps Rome’s most famous religious office, cannot escape mention in a study of pollution.

⁷⁶ Versnel (1992: 39–48).

⁷⁷ Plut. *Quaest. Rom.* 20; Fehrle (1910: 239); Rose (1924: 177–8). Cf. Juv. 6.339–40.

While many aspects of the priestesses' lives and rituals have been studied, however, this investigation must confine itself to those areas specifically related to sexual pollution. This involves examination first, of the nature of the Vestals' purity and second, of the reaction to the loss of a Vestal's virginity, particularly the mode of punishment used against those who were condemned. For some time now the Vestals have been the focus of considerable scholarly enquiry, in which Douglas' theories on liminality have had some influence.⁷⁸ Vestals were expected to keep a constant level of spiritual and bodily purity (*castitas*) in the performance of their daily tasks. Taken from their family homes between the ages of six and ten, prospective Vestals were required to be free from all bodily defects, including speech and hearing, must be able to show that both parents were still living (and so free from the taint of death), and that neither parent was an ex-slave or had engaged in a sordid profession.⁷⁹ Each of these stipulations reflects, in some way or another, a level of purity that had to be met in order for candidates to qualify.

Vestals performed a number of duties across Rome's religious calendar. Most notable of these was the day-to-day task of maintaining the sacred fire (flames described as *purae* by Ovid) that burned in the *aedes Vestae*, whose preservation was connected to the safety and prosperity of the city.⁸⁰ For these priestesses, however, abstinence was not a brief interlude in the build-up to a specific ceremony. Rather, their period of chastity lasted at least thirty years (the minimum length of their service to the goddess), in which time they existed outside the typical bounds of male ownership. The importance of the Vestals' liminality as an explanation for their prominence and power was stressed by Mary Beard, and has recently been developed further by Holt Parker, whose work has produced a new interpretation of the punishment for unchaste Vestals.⁸¹ In another re-evaluation of the priestesses' duties, Robin Lorsch Wildfang has concluded that it was the Vestals' virginity and overall state of purity that allowed them to perform the religious rites with which they were associated. She suggests their role was always one of purification and cleansing, whatever the overall purpose of the rite itself.⁸²

⁷⁸ Beard (1980: 12–27; 1995: 21–43); Cornell (1981: 26–37); Scheid (1992: 381–4); Mustakallio (1992: 56–63); Wildfang (1999: 227–34; 2001: 223–55; 2006: especially chapters 1–5); Saquete (2000: especially 91–101); Parker (2004: 563–601); Takács (2008: 80–9); Schultz (2012: 122–35).

⁷⁹ Gell. *NA* 1.12.1–5. Tac. *Ann.* 2.86 reveals that a parent's divorce might count against an otherwise worthy candidate. In this particular case, the emperor Tiberius compensated the unsuccessful girl by providing her with a handsome dowry.

⁸⁰ Ov. *Fast.* 6.439–40, 6.291–2; Dion. Hal. *Ant. Rom.* 2.66.2; Plut. *Num.* 9; Festus s.v. *Ignis Vestae*.

⁸¹ Beard (1980: 12–27); Parker (2004: especially 586–8).

⁸² Wildfang (2006: especially 6–16, 22–33).

The loss of a Vestal's virginity represented the most serious of religious offences. The specific label given to such an act, and the charge which accompanied it, was *incestum*.⁸³ This term derived from *in-castum*, the antithesis of chastity, which Wildfang uses to stress the theme of purification in her interpretation of the Vestals' duties.⁸⁴ The reports of Sallust and Pliny the Younger also describe acts of *incestum* in terms of *stuprum*, as well as the more directly religious *scelus* and *nefas*, which as we have already seen could pose a threat to purity without necessarily threatening 'cleanliness'.⁸⁵ The prominence of *nefas* in connection with the Vestals in the scandal of P. Clodius and the Bona Dea is also telling. Of particular importance was its use in the official verdict of the pontiffs and Vestals themselves.⁸⁶

The status of the unchaste Vestal has been repeatedly addressed by scholars of religion, with differing conclusions and degrees of plausibility. The theory of Wissowa (and many after him) was that the violated Vestal was a *prodigium*, whose removal constituted a religious purification.⁸⁷ This was disputed by Cornell, who noted that it was the unchaste status of a Vestal that was, itself, announced by religious prodigies, while Staples focused on the differences between how and by whom *incestum* and *prodigia* were investigated.⁸⁸ Parker, however, has stressed the similarities between the prodigy and the unchaste Vestal, arguing that they were linked by the phenomenon of pollution:

She was a contradiction in terms, a penetrated virgin, the impure pure, and so a *miasma*. Like a hermaphrodite, she crossed boundaries that must not be crossed, and so she must be removed and destroyed. The details of her execution were those of the expiation of a prodigy.⁸⁹

Just as hermaphrodites were removed from Roman society (usually by water) because of their liminal sexuality, unchaste Vestals were traditionally removed by live interment. According to Festus, Vestals found guilty of *incestum* were buried alive on the *campus Sceleratus*, which lay within the sacred bounds of the city and appears to have received its name through association with this ritual.⁹⁰ Ovid suggests that this was done because the Vestal's action had violated (*violare*) the earth, 'for Earth (*Tellus*) and Vesta are the same'.⁹¹ Care appears to have been taken not to harm the Vestal directly. To strengthen the illusion that this was not an execution she was placed in the chamber with a token supply of food and drink and,

⁸³ Liv. 2.42.11, 4.44.2, 8.15.7–8; Obsequens, 37; Oros. 3.9.5, 5.15.22.

⁸⁴ TLL 7.1.893–6; Wildfang (2006: 51–7).

⁸⁵ Sall. Cat. 15.1; Plin. Ep. 4.11.

⁸⁶ Cic. Att. 1.13.

⁸⁷ Wissowa (1923–4: especially 209–11); Nock (1972: 1.254, with bibliography); Wildfang (2006: 56–7).

⁸⁸ Cornell (1981: 31); Staples (1998: 133–5).

⁸⁹ Parker (2004: 584). Cf. Garland (1995: 70–1).

⁹⁰ Festus s.v. *Sceleratus campus*.

⁹¹ Ov. Fast. 6.459–60.

according to Dionysius of Halicarnassus, no monument or funerary rites were performed. Afterwards a new Vestal was appointed, and new fire was brought into the temple.⁹²

Considerable effort has been applied to interpreting this strange ritual, and a firm consensus remains elusive. Staples argued that the deliberate 'non-execution' of the Vestal was a means of preserving the law that forbade burial within the sacred limits of the *pomerium*, since 'her tomb was not really a tomb'.⁹³ Parker suggests that the true significance of both the Vestals' virginity, and the form of their punishment for *incestum*, lies in the equation of their unviolated bodies with unviolated walls of the city.⁹⁴ As a result the violation of a Vestal represented the weakening of the city's integrity. This is used by Parker to explain the execution of a Vestal as the simultaneous expiation and removal of a *prodigium*, a *pharmakos* and a *devotio*.⁹⁵ Within this framework the Vestal represents an anomaly, a pollution that must be removed (yet without incurring further pollution which might rebound upon the society). However, due to her enduring ritual connection with the city itself, she also represented a danger that needed to be contained to prevent this power from falling into enemy hands. Like other *prodigia*, she was removed from the community and the natural human sphere of existence, but at the same time her burial served to restore the order that her promiscuity had damaged. Within this picture, the annual sacrifices on the site of the burials may be interpreted as part of a wider reaffirmation of Rome's 'impenetrability'.

We therefore see within the Vestals' chastity, and within the punishment for their sexual misdemeanours, a concerted effort to preserve both social and structural integrity. A total state of order and 'intactness' was imposed upon physical bodies that were deemed 'perfect' at selection, to ensure that this perfection could be reflected upon the boundaries of Rome. As a result it is unsurprising that the seduction of a Vestal should be considered the gravest of sexual pollutions, since it was thought to represent the total destruction of social and religious order.

Incest

In his examination of the punishment for the Vestals' *crimen incesti*, Carl Koch suggested that the charge of *incestum* indicated that the Vestal was

⁹² Dion. Hal. *Ant. Rom.* 2.67.4–5. Although Dionysius stresses that no funeral rites took place, he does state that the Vestal would be dressed in funeral garb during the procession.

⁹³ Staples (1998: 151). ⁹⁴ Parker (2004: 568). Cf. Koch (1958: 1735–36).

⁹⁵ Parker (2004: especially 586–8).

guilty of a form of ritual ‘incest’.⁹⁶ As we have already seen, however, *incestum* appears to have originally referred to a more general form of offence, which, according to Brent Shaw, caused ‘a sense of moral revulsion at specifically polluting forms of sexual intercourse’.⁹⁷ The verb *incestare* may also be used to denote a less specific act of pollution.⁹⁸ The importance of ‘the incest taboo’ in the study of human society has, for many years, been acknowledged as one of the most ubiquitous, constant and biologically practical forms of aversion.⁹⁹ The study of incest in the Roman world has been greatly advanced by the recent work of Philippe Moreau, *Incestus et Prohibitae Nuptiae* (2002), which offers a comprehensive examination of attitudes and occurrences of incest in literature and society. In particular, Moreau discusses incest in terms of disorder, which at its most basic level affects the family, but also the wider society, the natural order and the *pax deorum*, all of which were essentially linked across Latin literature. As a result the accusation of incest became an ideal tool for invective, which will be explored in greater detail in Chapter 5.¹⁰⁰

Genuine acts of incest were condemned in most circumstances of the classical world. Like accusations of cannibalism and human sacrifice, accusations of incest were an ideal means of isolating and externalising an enemy. Barbarians and tyrants including Caligula, Nero and Domitian were rumoured to have engaged in incestuous relationships as only one of a number of personal vices – an expression of excess, impropriety and loss of control.¹⁰¹ A detailed series of laws outlining the degrees of prohibition on close-kin marriages survive in the works of jurists, all indicating a ban on biologically related persons marrying (as well as those related by law, although marriage was permissible following the emancipation of both parties).¹⁰²

That incest was *nefas* and capable of offending the gods (and thereby disturbing the *pax deorum*) has also been noted by Liebeschuetz, based on Cicero’s stipulation in the *De Legibus* that those guilty of incest should be put to death by the pontiffs. For Cicero, the issue was so clear-cut as

⁹⁶ Koch (1960: 67), discussed in Wildfang (2006: 56). Wildfang also demonstrates scepticism towards this idea. For incest as *crimen*, cf. Ov. *Ib.* 358.

⁹⁷ Shaw (1992: 169); Harries (2007: 90–1).

⁹⁸ Liv. 1.45; Val. Max. 6.3.7. The point is stated unambiguously at Serv. *Aen.* 6.150.1 (*incestat: polluit. et incestum est quaecumque pollutio*).

⁹⁹ Kroeber (1939: 447–8); Murdock (1949: 284–313); Parsons (1954: 101–17); Hopkins (1980: especially 304–7); Meigs and Barlow (2002: 38–49).

¹⁰⁰ Moreau (2002: especially 29–52). Cf. Parker (1983: 326).

¹⁰¹ Suet. *Calig.* 24; *Ner.* 28; *Dom.* 22; Tac. *Ann.* 14.2. On incest as a mark of ‘foreignness’, see Pagden (1986: 82); Isaac (2004: 210–11, 379).

¹⁰² Gai. *Inst.* 1.59; Evans Grubbs (2002: 136–43).

to require no further explanation, although his use of *incestum* has left the issue open to considerable debate.¹⁰³ The use of the pontiffs instead of a secular authority certainly implies that this crime was deemed more serious, and required expiation as well as punishment. In Roman law the act could be thought so offensive as to warrant the special mode of execution of being flung from the Tarpeian Rock, a method reserved for especially heinous crimes.¹⁰⁴ Divine distaste for incest is also an occasional motif in Latin literature. When Aeneas encounters a man guilty of incest in the underworld, the crime is labelled as one of the greatest offences (*nefas*), and the incestuous are grouped with those who have scorned the gods by their actions.¹⁰⁵ Tacitus also hints at the fear of divine retribution in his narrative on the marriage of Claudius to his niece, Agrippina the Younger.¹⁰⁶ He states that the emperor dared not announce the marriage since a union of this sort still constituted incest and might cause a public calamity (*malum publicum*).

Ultimately Claudius' aim was achieved through a rigged senatorial recommendation, after which a decree was passed permitting marriage to a brother's daughter, although both Tacitus and Suetonius suggest there were very few who followed Claudius' example.¹⁰⁷ But this raises a key question that must be asked in any study of human marriage customs – what was classified as 'incest'? While relations between parent and child are clearly marked as unacceptable in many cultures, the point of 'acceptability' may vary from place to place.¹⁰⁸ The point was illustrated by L. Vitellius during the debate over Claudius' marriage:

Marriage to a brother's daughter may be new to us, but for other peoples it is traditional, and not barred by any law. And marriages between cousins, once unknown, have become frequent over time.¹⁰⁹

Bush and McHugh have offered a detailed study of Roman aristocratic marriage patterns, demonstrating that marriage between cousins was a

¹⁰³ Cic. *Leg.* 2.22, 41; Liebeschuetz (1979: 42, 48); Dyck (2004: 317–18, with bibliography). On the traditional illegality (*seditio*) of incest in Rome, see Liv. 20.12a, cited in Schlesinger and Geer (1967: 180–1). Cf. Krueger and Mommsen (1870: 371–2).

¹⁰⁴ Tac. 6.19.1; Bradley (2012: 103–21).

¹⁰⁵ Verg. *Aen.* 6.624. Cf. Catull. 67.25–29. Cipriano (1978: 62–3, 87–9) also discusses acts of incest in terms of *nefas*.

¹⁰⁶ Tac. *Ann.* 12.5. ¹⁰⁷ Ibid. 12.7; Suet. *Claud.* 26.

¹⁰⁸ There may also be variation from class to class, although intermarriage between members of a ruling family may be viewed as exceptional; Murdock (1949: 288); Parsons (1954: 101–2).

¹⁰⁹ Tac. *Ann.* 12.6 (... *nova nobis in fratrum filias coniugia: sed aliis gentibus sollemnia, neque lege ulla prohibita; et sobrinarum diu ignorata tempore addito percrebuisse*).

common occurrence in the late Republic.¹¹⁰ This is attributed to a desire amongst the elite to maintain their position through the formation of a closed social circle. Even by the late Republic the marriage of cousins appears to have had no stigma attached to it. When Cicero attacked Mark Antony's divorce he made no mention of the fact that Antony had married a cousin, only that he had ended the union.¹¹¹ We cannot expect Cicero to have missed so perfect an opportunity to brand Antony as incestuous, and so the marriage must have been socially acceptable. As has been noted, few opted to follow Claudius' example by marriage to nieces but, decades later, Juvenal described the emperor Domitian as an adulterer 'polluted (*pollutus*) by a tragic union' for marriage to his niece, Julia, mockingly contrasting the act with Domitian's revival of the Augustan adultery laws.¹¹²

Alternative cultures operating within the boundaries of the empire chose different boundaries in terms of defining incestuous relations. As an imperial province, Egypt has fascinated classicists and anthropologists for some time now, due to the acceptance and practice of full brother-sister marriage between the first and third centuries AD. Seymour Parker cited ancient Egypt as 'the only instance where full brother-sister marriages were socially acceptable and institutionalized in a relatively sizable sector of the non-royal population and for a lengthy period of time,' and it is this factor of non-royal marriage which was unique to the time of the Roman occupation.¹¹³ Hopkins' 'Brother-Sister Marriage in Roman Egypt' (1980), remains a central study of this issue, arguing that what is witnessed in Roman Egypt is socially acceptable, legally sanctioned marriages between full brothers and sisters, accounting for 'between 15 and 21 percent of all ongoing marriages'.¹¹⁴ This raises the question of why this practice prospered in Egypt but nowhere else. One suggestion offered by Shaw is that this represented a widespread attempt by Greek settlers to maintain a sense of cultural identity and socio-economic position, both amongst the majority of the Egyptian populace, and later within the Roman province.¹¹⁵ A recent attempt has been made by Heubner to discredit this interpretation of the census records, by arguing that these marriages were primarily between adopted and biological children, and thus were not incestuous, although this has been speedily dismissed, both by Remijsen and Clarysse, and most recently by Rowlands and Takahashi, who view the phenomenon as the result of a number of converging social, economic and legal factors

¹¹⁰ Bush and McHugh (1975: 25-45).

¹¹¹ Cic. *Phil.* 2.38.99; Shaw and Saller (1984: 433).

¹¹² Juv. 2.29-33.

¹¹³ Parker (1996: 362-3). Cf. Shaw (1992: 269-99); Parker (1996: 362-76); Ager (2005: 1-34).

¹¹⁴ Hopkins (1980: 303-4); Arens (1986: 9).

¹¹⁵ Shaw (1992: 277-92).

that resulted from Greek and Roman occupation.¹¹⁶ It is unclear why this practice remained unchecked for so long, and it was only under Diocletian that all subjects of the empire were forbidden to practice brother–sister marriage, with the law also barring those born from incestuous relationships from holding public office.¹¹⁷ Ultimately it is unclear why Egyptian brother–sister marriage was tolerated when it was so vehemently condemned at Rome, and the issue strays too far from the chief focus of this study. In Rome we see that the lines between acceptable and unacceptable close-kin marriage fluctuated over time. While marriage between uncle and niece became a grey area under the Principate, at no point were sexual relations between brothers and sisters, or between a parent and their child deemed appropriate. Indeed, such acts were an affront to human and divine notions of correct behaviour, and could be argued by men such as Cicero and Tacitus to pose a wider threat to Roman society.

Prostitutes

Many of the events we have examined so far may be loosely described as isolated incidents. Sexual scandals, including acts of incest or the loss of a Vestal's chastity, were understandably scarce. For the majority of citizens sexual purity was demanded on only a handful of days in the year, and in such cases the observance of abstinence for a token period appears to have been thought enough to meet ritual requirements. For those who lived perpetually in the shadow of sexual impurity, such as prostitutes, the pollution was both more serious and longer lasting, and by their presence they might threaten the integrity and purity of other individuals and places.

Prostitutes might be viewed as the epitome of sexual impurity in Rome. By selling themselves they essentially forfeited control of their own bodies, in a way that could stain the characters of both their family and descendants. If we take Cicero's statement that Romans should approach the gods with *castitas* to be a fair reflection of religious attitudes in the Republic, then the exclusion of prostitutes from religion should be viewed as the logical exclusion of sexual impurity. Regulations against them are well attested.¹¹⁸ They were forbidden to wear the *stola*, the dress reserved for Roman matrons, but conversely they alone among Roman women could wear a

¹¹⁶ Heubner (2007: 21–49); Remijsen and Clarysse (2008: 53–61); Rowlandson and Takahashi (2009: 104–39). Particular stress is placed on the importance of property and inheritance in the continuation of this practice under Roman rule.

¹¹⁷ Cf. Corcoran (2000: especially 4–5). ¹¹⁸ See especially McGinn (1998: 14–17).

toga (a prostitute was typically described as a *togata*).¹¹⁹ The *lex Iulia et Papia* formalised the permanency of their status: 'The law brands with infamy (*infamia*) not only a woman who practises prostitution, but also one who has formerly done so, even though she has ceased to act in this manner, for the disgrace is not removed.'¹²⁰ Subject to a number of social restrictions because of their profession, prostitutes were required at certain times to be kept away from religious rituals and officials, yet at other times they were directly and deliberately included. Issues of sexual impurity lie at the heart of both circumstances, but will be explored separately, beginning with the more widespread cases of exclusion.

Seneca discussed the sexual impurity of prostitutes and their incompatibility with religion extensively in *Controversia* 2.1, which considered whether a woman sold into prostitution could ever become a religious official. The case envisioned a woman who had been captured by pirates and subsequently sold to a pimp. She claimed to have maintained her virginity by pleading with her various clients, and ultimately killing an unyielding assailant. After being acquitted of homicide she was returned to her family, whereupon she sought a position as a priestess. In arguing against the woman's case, repeated attacks are made on her purity, which is alleged to have been damaged by contact with prostitutes, even if she remained technically chaste. One argument suggests that pimps and prostitutes should avoid the forum to ensure nothing damaged religious proceedings, and so the woman was incapable of being elected.¹²¹ Alternatively, it is suggested that she had been forced, or at least kissed, made 'improper' physical contact, or ensured her virginity by a 'lesser' sexual act, any of which should disqualify a candidate who wished to be thought truly chaste. Equally damaging, she had been displayed for public view, with a sign above her head naming her price. Later, Roman jurists would imply that public display permanently branded a woman as a prostitute, and Ulpian asserted that any woman who behaved promiscuously would be equally tainted.¹²² The brothel was said to have served as her home (which, it was argued, violated (*violare*) her as surely as any client) and the pimp and prostitutes became her family.¹²³ The point at issue was that 'a priestess should be chaste and from chaste parents, pure and from pure parents' (*sacerdos casta e castis*,

¹¹⁹ Ov. *Fast.* 4.134; Hor. *Sat.* 1.2.63; Juv. 2.68–70; Cic. *Phil.* 2.18.44; Staples (1998: 70).

¹²⁰ Ulp. *On the lex Julia et Papia* 1.4 (trans. Budin (2006b: 1.39); Edwards (1997: 69–76).

¹²¹ Sen. *Contr.* 1.2.1. Although cf. McGinn (2006: 161–76), which argues against the suggestion that specific areas of cities were designated for prostitution in order to keep other areas free of its presence.

¹²² *Dig.* 3.2.2.5; 23.2.43.3; Gardner (1990: 251–2); Edwards (1997: 76).

¹²³ Sen. *Contr.* 1.2.5–7.

pura e puris sit). By counting the inhabitants as her family, the girl was said to have failed on all counts – ‘even if nobody violated you, the place itself did’.¹²⁴ Reference was also made to the girl sharing food and kisses in the brothel, two of the most common means of transmitting sexual impurity. The act of sharing a meal creates a serious potential for contamination if one or more parties are ‘impure’, and this is repeated elsewhere in Latin literature. To disparage Trimalchio’s wife (a former prostitute) in the *Satyricon*, a guest needed only to hint that ‘you would not take bread from the hand of *that* woman’ (*noluisse de manu illius panem accipere*).¹²⁵ Similarly, Juvenal lampooned those gullible husbands who permitted their wives to entertain polluted catamites (*cinaedi*), who violated (*violare*) both the food and the sacred rites of the dining table. Cups that should be smashed after being used by such low *infames* are merely washed, and so the husband drinks from a cup that would be refused ‘by a whore from a rundown sepulchre’.¹²⁶

In such cases the act of sharing either a meal or a drinking vessel may indicate acceptance into the group at the level of equals. The words of both Petronius and Juvenal indicate a fear of ingestion of another’s bodily excretions, and are reminiscent of Meigs’ reports of the anxieties attached to eating amongst the Hua. These theories were extended by Valeri, who stressed that these substances were polluting because they originated with someone else, ‘and thus undermine our own intimate sense of self when they enter into contact with us . . . they simply reinforce a fear of loss of identity and integrity’.¹²⁷ While I would agree with this reassessment I would suggest that, in the case of Roman sexual pollution, the fear was not only that one’s sense of identity might be lost, but that it might alternatively be infected and subsequently become synonymous with one who was already sexually impure (and typically of a lower class). By sharing the dining space with the impure this danger also extended to the identity and integrity of the group, which in turn weakened the bonds of the wider society.

The theory that sexual promiscuity weakens the social fabric and, in particular, that of the family unit, has been used by Maureen Giovannini in her anthropological study of a modern Sicilian town (used subsequently to great effect by Parker in his analysis of the Vestal Virgins).¹²⁸ In Giovannini’s study the female paradigms of the virgin (*la Vergine*) and the mother (*la*

¹²⁴ Ibid. 7 (*iam te ut nemo violaverit, locus ipse violavit*).

¹²⁵ Petr. *Sat.* 37.

¹²⁶ Juv. 6.01–16. The obscenity of prostitutes who worked in graveyards is also alluded to in *Mart.* 1.34.7–8.

¹²⁷ Valeri (2000: 103–5).

¹²⁸ Giovannini (1981: 408–26); Parker (2004: 582–3).

Mamma) are counter-balanced by their antitheses, the whore (*la Puttana*) and the step-mother (*la Madrigna*). In the case of the *la Vergine* and *la Puttana*, deep symbolism was attached to bodily boundaries:

la Vergine is a particularly appropriate metaphor for the ideal kind of nuclear family, one whose boundaries have remained intact. Indeed in many important respects, *la Vergine's* (and, as we shall later discover, *la Puttana's*) corporal being constitutes a kind of cognitive map for the family unit by concretely representing the boundaries of this social group along with its internal unity.¹²⁹

Conversely for *la Puttana*, her sexual promiscuity represented the weakness of her whole clan. An unfaithful wife equalled an impure home (*impuram domum*).¹³⁰ Such a woman might be viewed as a willing traitor against her family or city, since she allowed her body to be violated by an 'outsider'.¹³¹ However, while Giovannini's study suggested that 'the whore' was the natural opposite to 'the virgin', a different interpretation has been offered for women participating in Roman religion. Staples views the matter as being divided along lines of women's sexual activity, particularly 'the stages of their sexual relationship with men'.¹³² In this context the two groups of sexually active women are prostitutes and matrons (*matronae*), and this is certainly reflected in the most well attested instance of prostitutes being included in state religion, the Floralia.¹³³

This festival took place between 28 April and 3 May in honour of the goddess Flora (originally a prostitute herself), and involved mimes and stage shows in which prostitutes and actresses played a central role, and drink and debauchery appear to have been given a degree of licence.¹³⁴ St. Augustine would later comment that the devotion to this festival was equal to its indecency, but he also notes that Cicero had no qualms about overseeing the *ludi* in his capacity as aedile.¹³⁵ McGinn stresses that 'this

¹²⁹ Giovannini (1981: 413); Pomeroy (1975: 211–12). ¹³⁰ Lucil. *Fragments* 639.

¹³¹ Giovannini (1981: 420). So Horatia was deemed to have been justly killed by her brother for weeping over his defeated enemy (her betrothed), which was taken as a sign both of immodesty and treachery against her family; Liv. 1.14.4–5. Cf. Tac. *Germ.* 19.

¹³² Staples (1998: 58).

¹³³ On the *Floralia* and connections between indecency and the stage, see Warde-Fowler (1899: 91–5); Wissowa (1912: 197); Le Bonniec (1958: 195–201); Mundle (1969: 1124–31); Fantham (1989: 153–5); Morgan (1990: 19–26); McGinn (1998: 24–6); Wiseman (1999: 195–200); Schulten (2002: 209–34); Panayotakis (2006: 135–6).

¹³⁴ Ov. *Fast.* 4.943–5.414; Plin. *HN* 18.286; Min. Fel. *Oct.* 25.8; Lactant. *Div. inst.* 1.20; Wedeck (1944: 116–17); Le Bonniec (1958: 201–2).

¹³⁵ Aug. *De civ. D.* 2.27; Cic. *Verr.* 2.5.36; Warde-Fowler (1899: 93); Taylor (1939: 194–5). Val. Max. 2.10.8 describes an occasion where Cato the Younger left the amphitheatre before the mimes disrobed, although he made no attempt to impede the festival.

participation is significant because it guarantees the integration, however qualified, of the prostitute into the citizen body'.¹³⁶ But since prostitutes were usually so reviled in Roman religion, the question of why they were actively included in this case must be explored. It is here that the link between *matronae* and *meretrices* may help us to interpret the toleration of sexual impurity within religious space.

For Staples the significance of the Floralia lies in its wider ritual context, and particularly with the link between the goddesses Flora and Ceres. Their temples stood adjacent to one another beside the Circus Maximus, and their festivals ran consecutively from the Cerialia on 12 April to the conclusion of the Floralia on 3 May – 'related to each other by a symmetry of opposition'.¹³⁷ The rites of Ceres celebrated sexual intercourse within marriage. We have already seen the prominence of chastity and abstinence in the build-up to those festivals celebrated by the wives of citizens wearing pure white robes. The rites of Flora, conversely, were celebrated by drunkenness, promiscuity and licence, full of brightly coloured robes more suited to prostitutes who drew attention to themselves via their clothing. It is interesting to note that within this period there also occurred the festival of Vinalia, celebrated by prostitutes as a festival of Venus and linked, as is clear from the day's name, with wine.¹³⁸ Ovid also mentions the presence of alcohol and drunkenness in connection with the Floralia.¹³⁹

Thought to encourage immodesty amongst women, and symbolising fertility and reproduction amongst both animals and humans, the use of wine appears to fit with the themes of both festival days.¹⁴⁰ Yet for Staples this period was 'not a festival of prostitutes as much as a celebration of the idea of prostitution itself'.¹⁴¹ The categorisation of one set of values led naturally to the creation of its opposite, leading Reckford to state that obscenity was the most integral aspect of the Floralia.¹⁴² Even Augustine recognised that prostitution was a necessary evil, without which the world would be driven into chaos by lust.¹⁴³ In this context, sexual licence within

¹³⁶ McGinn (1998: 24).

¹³⁷ Staples (1998: 84–93, 177 fn. 134). Stories by both Suetonius and Tacitus on Nero's banqueting, at times within this area, have been taken by some to intend deliberate references to the Floralia and its connections with debauchery and prostitution. The essential nature of these rites clearly did not prevent people from commenting on their potential for impropriety; Suet. *Ner.* 27.3; Tac. *Ann.* 15.37; Allen (1962: 99–109); Higgins (1985: 116–18).

¹³⁸ Cf. Schilling (1954: 141–55). The participation of both pimps and prostitutes in rites connected with Venus also appears at Plaut. *Poen.* 256–70, 339–40.

¹³⁹ Ov. *Fast.* 4.863–900, 5.338.

¹⁴⁰ Plut. *Quaest. Rom.* 6, 20; Aug. *De civ. D.* 7.21; Rose (1924: 171–2); Bettini (1995: 224–35).

¹⁴¹ Staples (1998: 92). ¹⁴² Reckford (1996: 313).

¹⁴³ Aug. *De Ordine* 2.4.12; Brundage (1987: 106); Dittmore (2006: 1.39–40).

the Floralia may be compared with social inversion during the Saturnalia, in which slaves spoke inappropriately to their masters and were served food first within the household. For the Floralia, it was necessary to accommodate the 'impure' feature of life into religion, if only to ensure it was controlled, while its inclusion accentuated the special circumstances and so reinforced the status quo.

Prostitutes were ambiguous figures in Roman society. Like other marginalised groups such as corpse handlers, they were despised but nevertheless were part of everyday life. While this created difficulties for their inclusion in religion, they were nevertheless incorporated in a way that managed to stress their low social position. If prostitutes were considered 'dirty', then events such as the Floralia and Vinalia were their 'correct place'. These periods of acceptability were rare occurrences, and with good reason, for the status of prostitutes remained ambiguous and so they remained dangerous figures in need of control. The final phenomenon we shall explore in this chapter was an equally unavoidable, yet inherently polluting aspect of daily life – that of menstrual blood and the process of menstruation itself. Like prostitution it was a fact of female life, and considerable effort appears to have gone into controlling its potentially dangerous properties.

Menstruation¹⁴⁴

In his study of impurity in ancient Greek society, Parker noted the curious scarcity of menstrual blood in literary evidence, with the sole exception of medical treatises. In particular, he noted the lack of references to menstruation (unlike other bodily functions) in Old Comedy, which led him to suggest that this may have been a deeply significant taboo, 'a fact so shaming that it could not be alluded to at all, even to the extent of requiring purity from it in a sacred law'.¹⁴⁵ A similar scarcity of evidence is apparent in Roman sources. Nevertheless it is typically a central issue in anthropological studies of impurity, and is often one of the most serious forms of pollution identified across human culture. A number of works have explored the place of menstruation in ancient life and literature, but

¹⁴⁴ An expanded version of this section appeared in a paper that examines attitudes towards menstruation in both ritual and secular life. Cf. Lennon (2010c: 71–87).

¹⁴⁵ Parker (1983: 100–3). Also Parker (2007: 121–22) for epigraphic evidence of religious pollution stemming from menstruation, as well as the need for its expiation. Cf. Osborne (1993: 392–405); Connelly (2007: 180, 290, 337).

as well as discussing the more notable references from ancient sources, we shall also explore the attitudes towards the subject revealed by those authors who brought up this complicated issue.¹⁴⁶

As an uncontrollable bodily emission, menstrual blood appears as one of the prime candidates for Douglas' criteria for pollution.¹⁴⁷ Yet we have seen in Beck's (brief) treatment of Roman pollution (pp. 19–20) the assertion that Rome was free of fears regarding menstruation and childbirth. However, we have already examined the issues surrounding birth, including Censorinus' statement that women traditionally kept away from sanctuaries for forty days after birth, as during this period their body had not regained full control over its emissions, specifically blood flow. I suggest this may, to a degree, be compared to similar fears regarding menstruation, although the successful completion of labour meant that this fear could have been based on the connections noted by anthropologists between menstruation and death.¹⁴⁸

Just like the evidence from the Greek world, the subject of menstruation is discussed most openly in medical works, where we are unlikely to discover religious issues raised by biological acts. Soranus viewed the process as a natural bodily catharsis that needed to be monitored but not feared, unless it failed to occur (a medical view shared by his predecessor, Celsus).¹⁴⁹ Centuries later, various medical explanations for menstruation were discussed by Macrobius in his philosophical work *Saturnalia*, which included the theory that the process was the removal of harmful (*vitiosus*) material from the body.¹⁵⁰ Parker has suggested that because it was thought that this material needed to be purged we should expect the blood to be viewed as a highly impure substance.¹⁵¹ Beyond the sphere of medical enquiry, however, references are few and far between. When they do appear we see that the process is repeatedly described in terms of staining and pollution.

¹⁴⁶ For wider exploration of the topic, cf. Wächter (1910: 36–9); Gourevitch (1984: 95–103); King (1987: 117–27); Roux (1988: 58–72); Pantel (1992: 464–71); Richlin (1992: 281–82); Hemelrijk (2009: 253–56). Also, King (1983: 109–27); Dean-Jones (1989: 177–91).

¹⁴⁷ Douglas (1966: 42, 149–59; 1975: 106–115). On the place of menstruation within Douglas' framework of impurity, cf. Langness (1967: 162); Girard (1977: 33–8); Meigs (1978: 304–18, especially 307–10; 1984: 15, 63); Buckley and Gottlieb (1988: 3–50); Mullin (1996: 514–15); Branham (1997: 53–70); Schwartz (1998: 45–58); Valeri (2000: 163–8, 349–56); Hoskins (2002: 299–301); Stewart and Strathern (2002: 352–55); Meyer (2005: especially 123–203); Barrett (2008: 153, 160).

¹⁴⁸ Beck (2004: 509). On the links between the pollution surrounding menstruation and death, see Douglas (1966: 119); Friedl (1975: 29–30); Meigs (1978: 312–14); Gottlieb (1988: 67–8); Cook (1999: 50).

¹⁴⁹ Soran. 1.19–26; Cels. *Med.* 2.7.7, 4.27.10; Gourevitch (1984: 93–4); von Staden (1991: 271–96); Martin (2001: 101–3).

¹⁵⁰ Macr. *Sat.* 7.7; King (1995: 144). ¹⁵¹ Parker (1983: 102).

A brief note from Festus reveals much about established attitudes to menstruation: ‘*Ancunulentae* refer to women during the time of menstruation, from which we get the word *inquinamentum*.’¹⁵² Derived from *inquinare*, Richlin has observed that ‘*inquinamentum* is not a neutral word, and it appears with some frequency in sexual contexts’, citing Encolpius’s disgust at being kissed by a *cinaedus* in Petronius’ *Satyricon*.¹⁵³ The veracity of Festus’ claim is not at issue here. It is simply important to note the link he perceived between menstruation and pollution. Indeed, Festus quoted a far earlier reference to menstruation from the satires of Lucilius, who wrote during the second century BC, and seems to have viewed the subject as suitable for humour: ‘*Bubinare* means to pollute (*inquinare*) with women’s menstrual blood. As Lucilius says – “She bloodies you, but on the other hand he soils (*inbulbitare*) you.” *Inbulbitare* means to pollute (*inquinare*) with boys’ excrement’.¹⁵⁴ Clearly the situation in Italy was not as rigid as Parker suggests was the case for Greece.

Some of the most revealing anecdotes about the contaminating powers of menstrual blood are concerned with agriculture.¹⁵⁵ Columella asserts that a shrub of rue will live for many years ‘unless a woman who is menstruating touches it, in which case it withers’.¹⁵⁶ He goes on to state that women should not be allowed near crops of cucumbers or gourds, ‘for often the growth of plants is wilted by the contact of women. Indeed, if she is menstruating, the new crops will be killed even by her glance’.¹⁵⁷ Finally, Columella instructs farmers plagued by insect pests to make a girl experiencing her first menstruation walk three times around the fields

¹⁵² Festus s.v. *Ancunulentae* (*Ancunulentae feminae menstruo tempore appellantur; unde trahitur inquinamentum*).

¹⁵³ Richlin (1992: 26–31; 1997: 204); Petron. *Sat.* 21.2. A similar reference to pollution through contact with menstrual blood occurs at Sen. *Ben.* 4.31.3. The willingness of Scaurus to consume menstrual blood is combined with his refusal to conceal his actions, compounding his impurity in Seneca’s eyes. The idea of oral impurity (*os impurum*) as a result of sexual activity was well established in Roman literature, and carried the potential for contamination of one’s words or, more commonly, resulted in one’s kisses being shunned as impure: Catull. 79, 80; Sen *Ep.* 87.16; Mart. 2.10, 12, 21–3, 33; Juv. 6.50–1; von Staden (1991: 278–9); Richlin (1992: 67–70); Tatum (1993a: 31–45, especially fn. 25); Butrica (2002: 507–16). In particular, see Cicero’s condemnation of Sextus Cloelius for his passive sexual relationship with Clodia Metelli; Cic. *Dom.* 25; *Har. Resp.* 11; Wiseman (1985: 39–41); Damon (1992: 239).

¹⁵⁴ Festus s.v. *Bubinare*; “*Bubinare*” est menstruo mulierum sanguine inquinare. Lucilius – haec inbulbinat at contra te inbulbitat <ille>. *Inbulbitare* est puerili stercore inquinare.; Lucil. *Fragments* 1182; Williams (1999: 268). Felton (forthcoming) raises the possibility that Virgil might have been alluding to menstruation in deliberately vague terms during his description of the foul (*foedisima*) substance emitted by the harpies at *Aen.* 3.216–17.

¹⁵⁵ For comparable modern examples, see Meyer (2005: 5–8, with bibliography).

¹⁵⁶ Columella, *Rust.* 11.38 (. . . frutex pluribus annis permanent innoxius, nisi si mulier, quae in menstruis est, contigerit eum, et ob hoc exaruerit).

¹⁵⁷ Columella, *Rust.* 11.50 (nam fere contactu eius languescunt incrementa virentium. si vero etiam in menstruis fuerit, visu quoque suo novellas fetus necabit). Cf. Plin. *HN* 28.79.

bare footed, 'ashamed of the filthy blood (*obscaenus cruor*) that flows'. The result will be the death of all troublesome insects, at which point the crops may be planted.¹⁵⁸ Again the language used to describe both the process and the results of menstruation points to the potential for transferrable contagion.¹⁵⁹ The verbs *contingere* and *necare* convey staining and death respectively, while Columella's description of the blood as *obscaenus* further compounds the themes of danger and disgust.¹⁶⁰ Warde-Fowler commented that the reports of Pliny and Columella were unusual indications of a positive aspect to the menstrual taboo. However, while the process of menstruation is utilised for beneficial purposes, its usefulness still derived from the destructive qualities of the blood, which could be beneficial only when carefully controlled. It is perhaps more realistic to say that the end result was beneficial, even if the means with which it was achieved was not. As a result the 'positive' perception of menstruation is questionable.¹⁶¹

The most extensive compilation and discussion of powers attributed to menstrual blood comes from Pliny the Elder. Throughout his *Natural History* he referred to the various qualities it was thought to hold, including Columella's insecticide ritual.¹⁶² A cursory glance at Pliny's lists suggests menstrual blood has the power to sour crops, wither fruit, dull the brightness of mirrors, rust iron and bronze, blunt razors, kill bees, pollute (*polluere*) fabrics dyed with the colour purple, drive dogs insane, drive off hailstorms, winds and lightning, and cause both mares and humans to miscarry through the slightest of contacts.¹⁶³ If menstruation occurs during periods of solar or lunar eclipse Pliny's sources imply that sexual intercourse can result in disease (*pestis*) or even death for the male partner.¹⁶⁴ In spite of these destructive and harmful properties, Pliny also lists a number of remedial or apotropaic uses, in which the touch of the menstruating woman cures gout, scrofula, skin-growths, erysipelas and fevers, as well as bites from rabid dogs – perhaps a reverse of the process by which menstrual blood *caused* the madness in dogs?¹⁶⁵ While contagious impurity is frequently implied, it is not ever-present, unlike the notion of ritual

¹⁵⁸ Columella, *Rust.* 10.358–66.

¹⁵⁹ Burriss (1929a: 150); Wagenvoort (1947: 128–86, especially 173–75) discusses the role of *contagio* in relation to menstruation in Roman society.

¹⁶⁰ On the sexual connotations of *obscaenus*, see Richlin (1992: 29–30).

¹⁶¹ Warde-Fowler (1911b: 30); Parker (1983: 103). For a similar interpretation of 'positive' menstrual qualities, see Stewart and Strathern (2002: 355).

¹⁶² Plin. *HN* 28.78. Variations of the ritual also appear at Plin. *HN* 17.266–7; Ael. *NA* 6.36.

¹⁶³ Plin. *HN* 7.63–4, 17.266–7, 28.70–82; Parker (1983: 102–3); Gourevitch (1984: 96–100); Beagon (2005: 229–39).

¹⁶⁴ Plin. *HN* 28.77. ¹⁶⁵ *Ibid.* 28.82.

power, which can be destructive, but whose destruction can be harnessed for beneficial purposes.¹⁶⁶

Book 28 of Pliny's *Natural History*, which deals extensively with medico-magical substances derived from animals and humans, contains two statements that neatly demonstrate the conflicting views about the process of menstruation. The first point we shall explore from Pliny's lengthy list of supernatural qualities attributed to menstrual blood concerns its use upon the threshold of a home:

It is also agreed, and for my part there is nothing I would more willingly believe, that the arts of the Magi, the most duplicitous of peoples, are made useless if the doorposts have been touched by menstrual blood.¹⁶⁷

If this blood was truly *obscaenus*, *inquinans*, or otherwise 'polluting' then this might justifiably be viewed as the most unexpected ritual use to which it could be put. Doors, gateways and thresholds were sites of great ritual power and activity in Roman religion. In particular, they were susceptible to contamination and were gateways through which harm could enter and affect those within.¹⁶⁸ Under such circumstances one would expect the slightest contact between a doorway and menstrual blood to cause a serious pollution that could endanger the household, yet Pliny demonstrates no such reservation. Indeed, such is his hatred of the Magi that he states there is nothing he would more willingly believe than that their powers could be negated in this way.¹⁶⁹ In terms of the pollution we have seen attached to menstruation this presents an anomaly, but not necessarily an insurmountable one.

One explanation may be found in the symbolism Douglas attached to the human body, which equated liminal boundaries with those found in wider society.¹⁷⁰ Douglas drew parallels between the entrances to the city/house and the orifices of the human body. Both were points of vulnerability through which unwanted entities could gain access.¹⁷¹ The equation of the doorway with the human body, and in particular with the female genitalia, may make the use of menstrual blood appear more logical.¹⁷² The female

¹⁶⁶ Gourevitch (1984: 101–3); Roux (1988: 60–1).

¹⁶⁷ Plin. *HN* 28.85 (*id quoque convenit, quo nihil equidem libentius credidierim, tactis omnino menstruo postibus inritas fieri Magorum artes, generis vanissimi* . . .). The Magi refer to practisers of Persian magic and are perhaps the most despised authorities discussed by Pliny in his encyclopaedia; Plin. *HN* 30.1–19; Dickie (2001: 135–36); Janowitz (2001: 92–3).

¹⁶⁸ Verg. *Aen.* 6.563; Plut. *Quaest. Rom.* 5; Plin. *HN* 28.135, 142; Ogle (1911: 251–71); Rose (1924: 171).

¹⁶⁹ Plin. *HN* 28.85. ¹⁷⁰ Douglas (1966: 142).

¹⁷¹ Ibid. 150–51, 156; 1996: xxxvii; McCartney (1927: 454–7).

¹⁷² Adams (1982: 89). Comparisons between female genitalia and the door (*ianua*) also appear at Isid. *Etym.* 8.11.69, 11.1.137.

body during menstruation was not in danger itself (danger is implied only if menstruation does not occur). Rather, the catharsis it underwent was dangerous only to others.¹⁷³ However, this also meant that the menstruating woman was protected to some degree from various outside forces, and it is this protection that this action seeks to harness. As we have already seen, those uses of menstrual blood deemed ‘beneficial’ by Pliny are viewed as acceptable primarily in cases where its destructive capabilities are focused against physical ailments. In this case the magical curse, which would harm elements within the household, corresponds to the disease seeking entry to the body. Therefore what we are seeing is the application of those menstrual remedies listed by Pliny and others on a greater scale. Consequently the potential for menstrual pollution ‘gaining entry’ to the house may not have been thought an issue. The danger from menstruation flowed outwards, not inwards. This is even more probable if the blood came from an occupant of the household, as it surely must have on those rare occasions when the measure was deemed necessary. Although this does not change the fact that it remained a dangerous polluting substance, it may explain why no threat appears to have existed for the house or its threshold. Just as in the case of Columella’s report on the removal of insects and pests from agricultural land, menstrual blood retained the power to harm, and even kill. That it represented a threat to unseen magical arts, however, indicates that it was viewed as more than a simple physical poison. Its potential to infect could reach beyond the natural world and so it could be viewed as a source of ritual power.¹⁷⁴

Pliny concludes his discussion of the powers of menstrual blood with an equally tantalising sentence, overlooked in the key modern discussions on the subject:

This is all it would be right for me to report and most of that I do not say without shame. That which is left is detestable and unspeakable, and so my work should hasten from the subject of man.¹⁷⁵

Considering the extensive list of properties recounted by Pliny we are left wondering what could possibly have been left out. He may have declined

¹⁷³ Von Staden (1991: 274) notes Celsus’ assertion that ‘one should not be frightened if more blood should flow from a woman’s body’ this way (*neque terreri convenit, si plus ex muliebri corpore sanguinis profluit*). However, this refers specifically to fears for the woman’s health, and does not address the wider ‘supernatural’ fears demonstrated in the writings of Pliny or Columella. Cf. Cels. *Med.* 7.26.4.

¹⁷⁴ As such, it is mentioned within the *Greek Magical Papyri* in magical spells which cause sickness and delirium; *PGM* IV.2441–2621, IV.2622–2707; Betz (1986: 85–7).

¹⁷⁵ Plin. *HN* 28.87 (*haec sunt quae retulisse fas sit ac pleraque ex his non nisi honore dicto, reliqua intestabilia, infanda, ut festinet oratio ab homine fuge*). See also 28.65 and 77.

to list the more harmful ways in which the blood could be used, such as in malignant spells or potions. Early in Book Twenty-Eight he states his intention to speak of aids (*auxilia*), not crimes (*piacula*), and so we should assume that these were the subjects avoided by Pliny. The double meaning of *fas* should also be remembered. Richlin has commented on the importance of those words which share the root *-fa-* (*infamis/infamial/nefas*, etc.), arguing that when used to describe sexually impure acts ‘the idea is not so much that these things are not to be spoken of; rather, by being spoken of too much . . . they demean, even stain, those involved in them’.¹⁷⁶ Following his consumption of menstrual blood, Mamercus Scaurus was described as speaking obscene words (*obscaena verba*), and being an ‘openly obscene man’ (*homo palam obscaenus*), illustrating how the linguistic infection reflects the physical pollution of the carrier, which takes hold and spreads, staining the perpetrator’s character.¹⁷⁷ Seneca’s *Controversia* on the prostitute priestess demonstrates a comparable idea, as it is argued that a priestess should not even hear words connected with prostitution or sexual immorality, as even these will sully her candidacy.¹⁷⁸

In light of the number of magico-medicinal uses listed by Pliny it is probable that those things he deemed to be *nefas* involved uses of menstrual blood that were not performed for health or public benefit. Social convention did not prohibit him from discussing the topic, but was such that he felt the need to end with an apology, as well as to acknowledge that for the sake of decency there were things he had left ‘unspoken’. Even Celsus felt the need for explanation in his medical discussions of the ‘obscene parts’ (*obscae partes*) of the body, and particularly for the necessity of using ‘foul words’ (*foeda verba*). However, whereas Pliny fled from his subject to protect his sense of decency (*pudor*), Celsus recognised the medical importance of addressing it, albeit simultaneously striving to write within the bounds of social decency.¹⁷⁹

Much of the evidence we have seen suggests that Beck’s statement that menstruation was not viewed as inherently polluting is incorrect. Our only problem is the apparent lack of religious prohibition resulting from menstruation for either women or men who have come into contact with it. Festus’ note on the term *ancunulentae* alone is indicative of a strong tie between pollution and menstruation, but no evidence exists comparable to Greek and Hebrew religious laws, barring those tainted by menstruation from religious proceedings. The point raised by Censorinus on the prohibition of women from temples for forty days after birth is the closest

¹⁷⁶ Richlin (1992: 30). SHA *Heliogab.* 8.5, in which Elagabalus forces others to write ‘unspeakable’ and impious slanders against Diadumenus.

¹⁷⁷ Sen. *Ben.* 4.31.4–5.

¹⁷⁸ Sen. *Contr.* 1.2.4–5.

¹⁷⁹ Cels. *Med.* 6.18.1.

to such evidence, but this is a reference to a Greek custom and it is not clear that similar beliefs were widespread in Italian culture. Whatever the religious implications were (if there were any), menstrual blood was certainly viewed as an unclean and dangerous substance. As an uncontrollable bodily emission from an already marginalised section of society, this danger needed to be controlled to some degree. At the same time it belonged to a much wider category of bodily pollution, that of blood. Menstruation represents the sole occasion where blood was shed involuntarily, and we may be able to better understand attitudes towards it if we also examine those other forms of pollution that accompanied the deliberate shedding of this powerful substance.

Conclusion

This chapter has explored a wide range of forms of sexual pollution and impurity. We have seen the emphasis placed upon abstinence and fidelity in Roman society, which was reinforced through various festivals that placed high value on virginity or marital fidelity. We have also seen, however, that seemingly impure groups such as prostitutes might be integrated into religious activities (albeit in very carefully regulated circumstances). Sexual activity could celebrate fertility in one instance, but be damaging to it in others. In particular, acts of infidelity or incest undermined the family unit, and so could be offensive to the gods. Scandals such as the Bacchanalia affair and the intrusion of Clodius at the Bona Dea show the seriousness with which sex *within* religious ceremonies was viewed. Perhaps the most damaging combination of sex with religion occurred in those instances where Vestal Virgins had been seduced. That this resulted in pollution is heavily suggested by the ritual disposal of the Vestal herself. Finally, we have seen the fear with which menstruation could be viewed. The loss of bodily control or integrity during such times, and the resulting emissions, were both dangerous and powerful. Attempts to harness this power do not point to an inherently beneficial quality, but rather show a desire to control the danger, channelling its power like a weapon. Indeed, control over the body, and especially its boundaries, appears to have been one of the most important factors in determining whether individuals or substances were classified as dirty or polluted.

Throughout this chapter we have also seen the addition of a number of new terms specific to sexual impurity which help both to expand and augment our understanding of the vocabulary of pollution. However, we have also seen the frequent use of terms explored in [Chapter 1](#), with reference

to sexual acts within religious contexts. The topics examined have covered a number of different cases in which sexuality caused offence to divine order. Like Adams, our investigation has centred on the human body as the primary source of impurity, both physically, where its various processes and emissions were deemed incompatible with sacred space or time, and symbolically, where the boundaries of the body became synonymous with social order, prosperity or safety. Many of the themes we have encountered will continue to appear in the study of blood in [Chapter 3](#). This is most evident with blood's status as a bodily emission, but as we have seen, natural bloodshed appeared only in the context of menstruation (or disease). Beyond these spheres we shall see the importance of place and timing in the various contexts in which blood was shed. Bloodshed occurred frequently in the Roman world. What mattered was the setting in which the blood was shed, and that when it occurred it could be contained within a controlled environment.

CHAPTER 3

Blood

nate, manantes prius manus cruenta caede et hostili expia.

‘O son, first purify your hands, dripping with the blood of your slaughtered enemy’

(Seneca, *Hercules Furens*, 919)

Blood could be polluting in many contexts, and its power is manifest throughout the ancient world. The idea of Hercules approaching an altar to make a sacrifice while stained with the blood of his enemy fills Amphitryon with horror. Such a gross act of impiety may have been viewed as a result of the madness visited upon Hercules in Seneca’s rendition of this well-known tragedy. Conversely, Rome’s most pious hero, Aeneas, is aware of the impropriety of such an action, and so refuses to touch the images of his household gods while still stained with the blood of battle.¹

Of the various powerful substances located within the human body, blood has always been one of the most prominent – ‘blood impresses the imagination . . . but blood also arouses fear and repulsion’.² When it flows from the body, it becomes the ultimate matter out of place, and assaults the senses on a number of levels. Its vivid colour is shocking to the eye; its smell is pungent and distinctive to humans and animals alike; its taste is metallic and bitter; its touch stains many substances and fabrics irrevocably, and although it is warm when fresh from the wound, it cools and congeals quickly, a process which leads to changes in all of the above factors as the blood appears to visibly ‘die’ once separated from the living body. The most striking indicator of physical harm, blood was viewed as the life essence, from which much of its perceived power to help or harm originates, and for which reason it is offered in various forms to the divine across human culture.³ It is visceral and interstitial outside the body, alive

¹ Verg. *Aen.* 2.717–20. ² McCarthy (1969: 166; 1973: 205–10).

³ Plin. *HN.* 11.221; *Genesis* 9:4, *Deuteronomy* 12:23; Robertson Smith (1927: 40, 606); James (1933: 33; 1962: 27, 60–1); Yerkes (1953: 45–7); Douglas (1966: 75–6); Meigs (1978: 304–18); Valeri (2000: 48–9, 347–51); Meyer (2005: 1–16).

and dying. In redefining Douglas' wide-ranging theory of pollution, Meigs viewed this factor as crucial in interpreting what was impure, focusing on the 'decaying power' of separated human components, 'substances cut off from the vitality of the body and subject to imminent decay'.⁴ It has the power to be either beneficial or dangerous depending upon the context of its presence and the role ascribed to it in any specific scenario.⁵ The natural place of blood was therefore clear – it belonged within the body.⁶ When it was shed it became a potential source of power due to its liminal status and ability to stain and threaten.⁷ We should expect to see well-established social rules surrounding the shedding of blood in various contexts in Roman (or any other) society.⁸ In recent years Melissa Meyer has compiled an extensive study of biological reactions and subsequent ritual behaviour concerning blood, combining psychological theory, sociology and anthropological data to offer numerous insights into human perceptions of blood. Much of her work focuses on gender theory, and her chapters on sacrifice and initiation rites also offer interesting approaches that can be applied to evidence from the Roman world.⁹

As with so many other forms of pollution in antiquity, however, the lingering power of bloodshed has been more clearly defined for the Greek world than that of the late Roman Republic. Parker confined himself principally to bloodshed in cases of murder, and the *Tetralogies* of Antiphon, combined with the *Eumenides* of Aeschylus provided him with a strong starting point.¹⁰ He linked the pollution surrounding the guilty party with the anger of the deceased's spirit, which threatened to become a danger to the whole city if the crime went unpunished, especially if the polluted man should enter a religious sanctuary. This chapter will also begin with the shedding of blood in cases of homicide. In Roman law pollution was distinctly absent from official statutes, although it was alluded to in various forms within legal rhetoric. The most striking evidence for pollution in such cases appears in the reports of kin murder. However, the presentation of pollution across the works of Cicero, Livy and others is by no means coherent, and it will be helpful to remember Bendlin's cautious approach to Greek sources such as the *Tetralogies*, which were likely to contain traces of rhetorical manipulation and exaggeration.¹¹ In the case of parricide we

⁴ Meigs (1978: 312). ⁵ Ibid. 312–13. ⁶ Lucr. 5.131.

⁷ Ov. *Met.* 4.120–7 offers an example of blood's staining quality in aetiological myths.

⁸ Plin. *HN* 28.147–9.

⁹ Meyer (2005: especially chapters 1, 4 and 6). Cf. Roux (1988: 57–90) which explores various forms of blood-pollution, across Greek, Roman, Jewish, early Christian and Islamic societies.

¹⁰ Antiph. 2.1.8–11; Aesch. *Eum.* 40–5; Parker (1983: 104–6); Carawan (1993: 249–54).

¹¹ Bendlin (2007: 185).

see that the presence of pollution was stressed not only by the language applied to the act, but also in the manner of its punishment, which appears to have served as a form of ritual purification.

Following this, the chapter will consider the roles of blood within sacred space, and specifically within animal sacrifices. The issue of a 'correct' place for blood in this context will be examined using Douglas' theory that 'incorrect' types of blood entering or leaving their designated space posed a potential risk. Such cases highlight the significant differences between literary depictions of sacrifice and the act of slaughter itself, which would have been a far more chaotic and messy affair than ancient authors usually suggest. As with sources concerned with cases of homicide, blood may have held primarily symbolic significance. From animal sacrifice, we may logically progress to the thorny issue of human sacrifice and ritual murder, and Roman responses to human blood or *exta* being spilled upon the altar or within sacred precincts. Human sacrifices and acts of ritual murder were extraordinary occurrences in Roman society, and while blood was central in animal sacrifice, the offering of human victims represented the antithesis of traditional Roman religious values. As a result, a key issue in examining this area of Roman culture requires the consideration of a lack of blood within the cases of state-sanctioned sacrifice and ritual murder. However, the relative tacitness of Roman sources on what they saw as their own religious shortcomings is made all the more striking when contrasted with their treatment of others. The attitudes which reveal the pollutive nature of such acts are best illustrated by the especially bloody forms of human sacrifices attributed by Roman sources to foreign (typically barbarian) cultures. The final section explores attitudes towards bloodshed in war, first against foreigners and 'outsiders', and second, against fellow Romans in times of civil unrest. Blood could signify either victory or defeat on the battlefield, and the outcome typically affected the role blood played in literary reports. The chapter will also consider whether soldiers required any special form of purification upon their return. In cases of civil conflict, many authors appeared uncertain as to whether the crime was ever truly expiated.

Homicide and parricide

In both Greek and Roman society, cases of homicide went beyond the simplistic question of whether the accused had killed the victim, focusing instead on the matter of whether the killer had just cause.¹² The Greek

¹² Cic. *Mil.* 7–8.

world was prepared to classify forms of justifiable homicide, and many of these find parallels in the early Roman law codes of the Twelve Tables. These included murder in self-defence or of a thief within the home.¹³ However, while Plato stated such killers to be free from pollution, the Twelve Tables merely labels the victim as 'lawfully killed' (*iure caesus esto*), and it is unclear whether fears of pollution existed beyond the rhetorical imagery evoked by orators.¹⁴ In such cases the deceased had transgressed or violated social boundaries, and the killer had reacted. This was certainly the line Cicero took when defending Milo. Clodius had attacked him without provocation, and Milo, in defence of both himself and his family, had reacted. In a case revolving around accusations of murder and public violence it made sense for Cicero to emphasise the bloodstained (*cruentus*) hands and character of Clodius as part of Milo's defence.¹⁵

One explanation for the situation in Rome may have been the nature of their law codes. Girard suggests that the original function of murder-pollution, and its links to family administered 'vengeance', was to offer direction in societies without established judicial process.¹⁶ By the late Republic, the Roman legal system had developed significantly. Pollution naturally does not vanish with the emergence of law but remains for a period after its instigation, although with an altered objective, serving 'as a threat directed by the original avengers against the surrogate avengers, the jurors, and through them against the city they represented'.¹⁷ It is in this capacity that we see references to pollution at their most effective, in the works of orators seeking to sway their audiences in the courts, and blood provided the visceral, physical indicator of homicide, but also of culpability. This could even extend to cases where blood had not been shed. Seneca considered a scenario in which a father instructed his daughter to die after she disobeyed him. Having hanged herself at his door, Seneca questioned whether the father could be declared mad for his action. The imagined

¹³ Pl. *Leg.* 874a–e; *Twelve Tables* 8.12; Cic. *Mil.* 3.8–9; Gell. *NA.* 20.1.7; Macr. *Sat.* 1.4.19; Hewitt (1910: 100); Parker (1983: 112–3); Carawan (1993: 256–7).

¹⁴ Oldfather (1908: 52) '... if any branch of literature was uninfluenced by rhetorical considerations, certainly it was the law codes'. While the law may not have been susceptible to the oratory, juries certainly were.

¹⁵ Cic. *Mil.* 20. The opposite view of Milo as polluted by Clodius' murder appears at Luc. 2.480.

¹⁶ Girard (1977: 1–38). Girard used this idea expressly to support his theory of inherent violence, while Parker suggests a more balanced combination of the two factors of pollution and retribution, illustrated in the Greek world by the Erinyes.

¹⁷ Parker (1983: 124–6); Girard (1977: 15–7); Douglas (1966: 150); Carawan (1993: 250–2). The greatest danger was the possibility of the polluted man entering communal shrines or temples. Citing Lys. *Against Eratosthenes* 12.99–100, Carawan discusses the implied actual danger to judges in homicide cases. Cf. Cic. *Rosc. Am.* 68.

prosecution places heavy emphasis on blood, despite the bloodless method of suicide. One opens his declamation by stating 'your household gods have been polluted by the blood of your daughter' (*inquinasti filiae sanguine penates*).¹⁸ Another begins his statement in a similar manner: 'The daughter writhes in her own blood before the door of her father. Why do you shudder? This is the father's penalty'.¹⁹ In both instances blood is used to enhance the image and suggest contamination, whether of the household gods, or the threshold. In such cases the reality of contagious pollution, thought to threaten the city at large, which is stressed so prominently in Greek literature was less apparent (although it might still be used to condemn the father).²⁰ However, certain forms of homicide (usually the most serious) do appear to have sparked fears of pollution, and these deserve our attention. Most importantly, there were cases of parricide or other forms of kin murder where pollution, particularly from bloodshed, appears to have been a factor not only in the words of orators, but also in the manner of execution and disposal to which parricides were subjected.

The most well documented case concerning parricide in the late Republic was Cicero's successful defence of Sextus Roscius in 80 BC. In describing the charge, Cicero called parricide both 'wicked and unspeakable' (*sceleratum ac nefarium*), and many forms of *scelus* were brought together in this single crime.²¹ Repeated references to parricide as *scelestus* already indicate something beyond a typical offence – minor transgressions typically appear as *vitia* or *flagitia*, which Cicero argues would be expected to precede the ultimate *scelus*, the action of parricide.²² Without them, who could believe so dreadful a crime possible?²³ Cicero described a comparable case where a father was found with his throat cut and his two sons sleeping nearby. On denying the charge the sons were acquitted, since it was judged that no one could sleep, having polluted (*polluere*) all the laws of gods and men.²⁴ In explaining his reasoning for this, Cicero emphasised the highly pollutive nature of parental blood, in a particularly passionate plea:

¹⁸ Sen. *Contr.* 10.3.1.

¹⁹ Ibid. 10.3.2 (*filia ante limen paternum in cruore suo volutatur. quid exhorruistis? paterna satisfactio est*).

²⁰ Dion. Hal. *Ant. Rom.* 3.22.3 mentions the threat posed to the city by the pollution of M. Horatius, but this should perhaps be attributed to Dionysius' Greek background and interpretation of events.

²¹ Cic. *Rosc. Am.* 37.

²² For crimes as *vitia* and *flagitia* see Cic. *Rosc. Am.* 38, 48, 53, 62–3, 68; Plin. *Ep.* 10.96.7; Henrichs (1970: 20–1) deals with similar 'minor' offenses used against Christian sympathisers.

²³ Cic. *Rosc. Am.* 63–68; Gildenhard (2011: 82–3). ²⁴ Ibid. 65.

... the blood (*sanguis*) of a father and mother holds great power (*vis*), great obligation, great sanctity (*religio*), which, if it produces a stain (*macula*), it not only cannot be washed away (*eluere*), but also permeates (*permanare*) the soul, followed by the greatest frenzy and insanity. Indeed, do not believe what you often see in the plays, that those men who have engaged in any impious or wicked (*sceleratus*) action are hounded and terrified by the burning torches of the Furies. For each it is their crime (*scelus*) and their own terror that torments them greatly, their own crime which plagues them and causes madness, their own dark thoughts and pangs of conscience terrifies them. These are the Furies that are the constant companions for the impious, which day and night demand punishments on behalf of parents, from sons most stained (*consceleratissimus*) by their crimes.²⁵

While Cicero is quick to dismiss the traditional image of the Furies, his focus on blood as a substance that may stain physically *and* morally is striking. The passage also combines images of physical staining with acts of impiety and *scelus*. While the use of such language in a legal defence may be attributed to rhetorical exaggeration, the greatest indicator that parricide continued to be thought of as polluting was not the language used to describe the act by orators like Cicero, but the manner of punishment inflicted upon those found guilty. The traditional punishment reserved for parricide ensured the ritual removal of the condemned not just from the city of Rome, but from human society as a whole.²⁶

The cases of Sextus Roscius, and before him, Malleolus (condemned for matricide in 101 BC) both mention the archaic custom of sewing the guilty man in sack (possibly made of wolfskin) along with a viper, a cockerel, a dog and a monkey, after wooden shoes had been fixed to their feet. After this he was to be thrown into running water, typically a river from which his body would be carried out to sea.²⁷ Cicero explained this as removing the murderer from every part of nature, from heaven, earth, sun and water – that the corpse was unsafe even to wild animals that might feed off it, and that if they were thrown uncovered into the water they might pollute (*polluere*) the sea itself, the element which supposedly could remove (*expiare*) all other pollutions.²⁸ Thus the threat posed by the polluted parricide had originally been thought to require their careful

²⁵ Ibid. 66–7.

²⁶ Radin (1920: 119–30) remains an excellent in-depth study of the *poena cullei*. See also Egmond (1995: 159–92); Bauman (1996: 30–2).

²⁷ *Auct. ad Her.* 13.23; *Cic. Inv. Rhet.* 2.149; *Rosc. Am.* 71–2. Only the *Auctor ad Herennium* directly mentions the use of wolfskin. See also Radin (1920: 119–20); Rawson (1974: 202).

²⁸ *Cic. Rosc. Am.* 71 (*non sic nudos in flumen deicere, ne, cum delati essent in mare, ipsum polluerent, quo cetera, quae violatae sunt, expiari putantur*).

removal, by means of a complex transportive purification ceremony that drove the source of impurity 'outside' the community. This also acted as a means of execution that avoided shedding the blood of a polluted individual, which could expose both the city and its citizens to further danger.²⁹ This demonstrates the gulf between common acts of homicide and the murder of a parent, since those who suffered capital punishment for homicide could potentially be executed within the city, in various bloody ways that aroused far less fear or revulsion. While the act of parricide was the primary cause of pollution, blood was the best way to physically evoke the act, and its ability as a substance to irreparably stain meant that it fitted ideally into the language of pollution and impurity, reflecting the crisis and disorder that the murder of a parent caused.

That parricide could stain space as well as people is further suggested by the use of the sack in separating the killer from the sea. The threat of contamination to space also appears in the myths surrounding the murder of King Servius Tullius. When he was killed at the instigation of his daughter, Tullia, her subsequent desecration of his corpse left the ground where he was trampled permanently marked and it remained the *vicus Sceleratus*, the 'Street of Crime' throughout the Republic and into the Principate. Contaminated (*contaminare*)³⁰ with her father's blood, she crossed the threshold of her home, polluting her own *Penates*, who sought revenge against her; her husband Tarquinius was described as being similarly stained (*maculare*) by his part in the deed.³¹ An alternative version of the story offered by Ovid alleges that in this polluted state, she dared to enter her father's temple and was shunned by his image.³² Following her crime, according to Livy, Tullia was also shunned by society, with all men and women calling down curses upon her.³³ In all versions of the myth, the trace of murder lasts beyond the crime and is compounded by Tullia's contact with divine space, which, in such cases, included the Roman home and its household gods, the *Penates*. The threat of *scelus* to the household gods as a direct result of bloodshed

²⁹ According to Valerius Maximus, M. Atilius had suffered a similar punishment for making a copy of a book of secret religious rituals, which Maximus regarded as just, viewing the 'violation of parents and of the gods' as requiring equal expiation. Cicero also speaks of parricide in terms of a violation; Val. Max. 1.1.13; Cic. *Rosc. Am.* 70; *Leg.* 2.22; Radin (1920: 121).

³⁰ Liv. 1.48.5–7. Livy writes of Tullia's involvement in the deed as being in keeping with her *scelesta* persona. Val. Max. 9.11.1 uses *commaculare*.

³¹ Varro, *Ling.* 5.159; Dion. Hal. *Rom. Ant.* 4.39; Ov. *Ib.* 363; Cic. *Rep.* 2.25.46; Festus s.v. *Vicus Sceleratus*. The vengeance of the *Penates* goes against Ovid's depiction of Zeus' vengeance upon Lycaön, whose household gods 'shared the guilt of their master'; Ov. *Met.* 1.230–5.

³² Ov. *Fast.* 6.609–24. For the similar case of the *porta Scelerata* see Coarelli (1988: 409–14).

³³ Liv. 1.59.13.

was emphasised by Cicero in the *Pro Rege Deiotaro*,³⁴ while the parricide of Solimus in Silius Italicus' *Punica* is described as a prodigy, occurring the night before the catastrophic defeat at Cannae. Despite the fact that Solimus is offered absolution by his dying father, who consoles his son by assuring him that the deed was hidden by the night, nevertheless Solimus grieves because the moon has seen the murder performed by his 'polluted hands' (*pollutae dextrae*), and is violated (*violare*) by his continued presence on earth.³⁵

In a recent study of Roman homicide laws, Judy Gaughan has suggested that under the Republic murder was not a crime that the state saw fit to act against, unlike during the monarchy and, later, the Principate, where a single act of homicide could threaten the central power of the state.³⁶ Gaughan suggests that the control and punishment of each family fell to the *paterfamilias*, and since it involved rebelling against this primary authority, parricide was one of the few forms of homicide which could threaten social stability, and so warranted state intervention. Cicero stated that the murderers of Caesar were either liberators, or even worse than parricides, since the father they murdered was the *pater patriae*.³⁷ The site of Caesar's death had been walled up, and the day itself labelled the 'day of parricide'; senatorial business on that day was forbidden.³⁸

Cicero, however, clearly believed that Caesar's assassins were liberators of the Republic, entirely justified in their action, and that Caesar was not 'father of the nation', but a tyrant who succeeded in establishing a monarchy.³⁹ From the founding of the Republic all citizens were obliged to kill those who aimed to subvert the political order. Dionysius of Halicarnassus, a Greek writer attempting to explain aspects of Roman culture to fellow Greeks, said that the murderer of a tyrant in Rome was considered 'pure' (*katharos*), as long as evidence proving the case could be produced.⁴⁰ When considering the murder of a tyrant in Greece (an act which resulted in no public sanction in Athens), Parker concludes that the deed was 'rendered non-polluting by classifying the victim as an enemy'. Such victims were subsequently no longer members of the community, and through the classification of enemies as *sacer*, the violence had become externalised. A comparable transforming of internal social threats into enemies appears in Cicero's repeated descriptions of Catiline and his followers as *hostes*,

³⁴ Cic. *Deiot.* 15. Again Cicero asks the hypothetical question of who would be so wicked as to pollute his own household with murder. The *Penates* play a significant role in emphasising the irreligious nature of the crime.

³⁵ Sil. *Pun.* 9.66–177. ³⁶ Gaughan (2010: 67–89). ³⁷ Cic. *Phil.* 2.31; Heyman (2007: 30).

³⁸ Suet. *Iul.* 87. ³⁹ Cic. *Fam.* 11.27. ⁴⁰ Dion. Hal. *Ant. Rom.* 6.89.2–4.

and in his first Catilinarian oration Cicero listed the killers of the Gracchi and Saturninus were 'honoured rather than polluted (*contaminare*)' by the blood of these tribunes, who were judged to be enemies of the state.⁴¹

Marking a tyrant as *sacer* made him an outsider to his former community, as did consecration of his property to Ceres.⁴² If they were subsequently murdered there would be no repercussions for the killer. These laws, devised for the preservation of the state, transcended all others and could even excuse L. Iunius Brutus of kin murder, following the discovery of his sons' involvement in the plot to overthrow the newly created Republic. On his command, both as consul and as *paterfamilias*, they were led into the forum, scourged and beheaded. But in Livy's narrative of events the terms we have come to expect concerning pollution are never suggested. Dionysius noted that the Roman view of this act as glorious might differ from the responses of Greek readers, and interprets the action as cruel, but again not polluting to Brutus, the onlookers, or the place of execution.⁴³ Dionysius does, however, devise a response through the mouths of Rome's enemies, as Brutus is verbally abused before battle by Tarquinius' son, Arruns, who condemns him as a man polluted (*miaros*) by the blood of his child.⁴⁴

Some prominent examples survive within our ancient sources suggesting that the pollution of homicide did not have to fall upon the one who struck the blow, but instead could be thought to stain the one responsible for the death. When Verginius stabbed his daughter to protect her from the lust of Appius Claudius the decemvir, he was not described as a man polluted by infanticide, but as an example of a dutiful father, a beacon of Roman strength and piety. Livy describes the scene at length, and at the moment of bloodshed, he imagines Verginius turning to Appius, stating 'it is you, Appius and your life I dedicate (*consecrare*) with this blood (*sanguis*)'.⁴⁵ Appius threatened social stability and *mores*, whereas Verginius protected them. As a result, Verginius is free from guilt, while Appius is

⁴¹ Cic. *Cat.* 1.29. For *hostes*, see 1.5, 13, 27, 33. The final case once again links the behaviour of the public enemy with *scelus*.

⁴² Spaeth (1996: 69–71) examines such instances, focusing on the role of the goddess herself in such rituals.

⁴³ Liv. 2.5.6–9; Dion. Hal. *Ant. Rom.* 5.8.1–6; Plut. *Publ.* 6. See also the case of Horatius, who killed his sister after she mourned the death of his enemy, her betrothed. He was acquitted in recognition of his services to Rome, but expiation was still felt to be required. Horatius' 'purification' included passing under a crossbeam (*luere*); Liv. 1.26; Val. Max. 8.1; Oldfather (1908: 49–72).

⁴⁴ Dion. Hal. *Ant. Rom.* 5.15.1.

⁴⁵ Liv. 3.48.5; Dion. Hal. *Ant. Rom.* 11.37.4–6, 11.40.1–8. Similarly no negative connotations appear in Appian's description of Crassus' murder of his son, whom he killed in order to spare him falling victim to Marius' purge; App. *B. Civ.* 1.72.

not. Verginia's body is lifted up for the crowds to see, and the people are described as 'mourning Appius' crime (*scelus*) . . . and the necessity of her father's act'.⁴⁶ Verginius, still spattered with blood (*respersus cruore*), appeals to the army, begging the crowds not to look upon him as a kin slayer (*parricida*) by attributing Appius' *scelus* to himself.⁴⁷ The theme of blood is central throughout, and, since Verginius is portrayed as being free from guilt, repeated references to both him and the dagger he is still clutching serve only to condemn Appius further. The act of consecration, which appears amplified by bloodshed, adds religious undertones to the narrative.

Many of these themes were variations on the primary myth from the founding of the Republic, the death of Lucretia. Following her suicide after being raped by Sextus Tarquinius, Brutus (like Verginius) holds up the bloody knife and swears an oath by the blood, which he states was 'most pure' (*castissimus*) before Tarquinius' violation.⁴⁸ The rarity of blood-oaths which are employed in ways deemed by onlookers to be 'positive' has been noted,⁴⁹ and it is this rarity that has led Feldherr to postulate that Lucretia stood in proxy for a sacrificial victim, although his argument that *castus* in this case refers to 'ritual purity' (read 'sacrificial purity') is uncertain – as he himself notes, 'the only other occasion where a word related to *castus* is used of sexual purity is earlier in the Lucretia episode'.⁵⁰

A further example in which literary accounts imply 'bloodguilt' occurred in 87 BC in the reports of the suicide of L. Cornelius Merula, the *flamen Dialis*. Soon to be condemned by Marius and Cinna, he opened his veins in the temple of Jupiter, taking care to observe all traditional pieties in the process, but calling down vengeance upon those responsible. The various sources show minor variations in their reports, but all highlight Merula's deliberate action of sprinkling his own blood within the temple, and lay the blame for this act with his enemies. Velleius Paterculus emphasises the shedding of blood upon the altar as part of a curse (*execratio*) directed against Cinna and Marius, while Florus described Merula as spattering the cult statue of Jupiter within the Capitoline temple itself. Várhelyi has highlighted the importance of religious space and images within these reports, arguing that the *execratio* is enhanced both by the religious setting

⁴⁶ Liv. 3.48.7. ⁴⁷ Ibid. 3.50.3–6. ⁴⁸ Ibid. 1.59.1. ⁴⁹ Ogilvie (1965: 226).

⁵⁰ Feldherr (1998: 196–8). The suggestion that the *Regifugium* recreated this action of the King fleeing in the wake of an impure sacrifice is equally difficult, as this ceremony clearly had significance well beyond that of the expulsion of the monarch. For examples of *castus* relating to sexual purity outside of Livy's history, see Catull. 62.23; Tib. 1.3.83; Hor. *Od.* 3.3.23; Ov. *Fast.* 2.139; *Met.* 2.711; Val. Max. 8.1.

and by the status of Merula as *flamen Dialis*.⁵¹ A less dramatic case from the Imperial period appears in Tacitus' report of the suicide of Demetrius, who anticipated Nero's assassins. After cutting his wrists Demetrius describes the act to the would-be killers as 'pouring a libation to Jupiter Liberator'.⁵² Blood is not actually offered to the gods in either case, but the connection of its shedding to the sphere of religion serves to add weight to the literary reports, all of which aim to portray the persecutors as directly responsible.

For now it will suffice to note that culpability did not necessarily require the culprit to come into physical contact with the blood that had been shed. Suicide could potentially be polluting, yet in the case of Merula, even when he sheds blood within the greatest temple in Rome, the act does not appear to pollute either him or the sacred space. Any conclusions we may draw concerning Roman fears of murder-pollution must obviously take into account specific differences and similarities with their Greek counterparts. The evidence certainly suggests pollution was still valid as a concept in Rome, with writers including Livy and Cicero exploiting these beliefs for literary effect in their various works. In Cicero's case, these feelings were clearly thought to hold continuing validity for those jurors to whom he repeatedly appealed. In official terms, however, the Roman legal system appears to have developed beyond the point where pollution was perceived to be a threat to wider society or sacred precincts. Emphasis was now placed on the rights of citizens, and establishing whether blood had been shed 'justly'. *Miasma* was superseded in this sphere by law. Only in the case of kin murder did pollution appear to hold genuine power in Roman law and imagination. These ideas endured into the Principate. Under the Julio-Claudians more sources would allude to the blood-pollution incurred by various emperors who had removed members of their family.⁵³

Animal sacrifice

In the correct circumstances, blood was perhaps the most religiously efficacious substance in the ancient world, and animal sacrifice was the most prominent and frequent phenomenon in which circumstances were

⁵¹ Vell. Pat. 2.22.1–2; Flor. 2.9.16 (*Merula flamen Dialis in Capitolio Iovis ipsius oculis venarum cruore respersit*); Várhelyi (2012: 131–2). App. B. Civ. 1.7 states that Merula took care to remove his *flamen* cap of office before death, as it was against religious custom for the *flamen* to die while still wearing it.

⁵² Tac. Ann. 16.35 ('*libamus*' inquit '*Iovi Liberatori*').

⁵³ Most striking of these is Tacitus' description of Nero's own alleged fears in the wake of Agrippina's assassination, with the young emperor even resorting to magic in his attempts to appease the haunting spirit of his mother; Suet. Ner. 34; Tac. Ann. 14.5–10; Ogden (2001: 152–3).

deemed to be 'correct'. One of the earliest guarantees of Rome's future glory was the sacrifice (achieved by trickery) of a perfect Sabine heifer, offered at the temple of Diana.⁵⁴ The rules, both in the run-up to sacrifice and in the event itself, had to be observed. Provided these rules were strictly adhered to, sacrifice could bring any number of personal and social benefits, and within the rituals a chief concern was the correct shedding of the blood.⁵⁵ Once again it must be noted that our primary focus here is on sacrifice within ancient literature and the ways in which Roman writers chose to portray the processes of sacrifice, as well as the occasions where sacrifices failed or the rituals were somehow damaged or polluted. These examples are revealing because, as we have seen elsewhere in Roman religion, errors became errors only after they had been officially recognised as such. Pollution could offer an excellent medium with which to express these errors, especially during the inspection of the animals' blood and organs, where disease or anomalies could be viewed as manifestations of divine anger.

Numerous social events in Roman society could be accompanied by sacrifice to ensure favourable outcomes. Blood was shed in private contexts such as births, wedding ceremonies or agricultural festivals, and during public rites such as the expiation of recognised prodigies, or at the climax of the triumphal procession.⁵⁶ Blood sacrifice therefore formed an integral part of religion in ancient Rome, but at the same time it was constantly changing according to the context of its performance.⁵⁷ At the turn of the twentieth century, Warde-Fowler stated that no significant literary examples existed to illustrate a lingering Roman anxiety concerning blood. This was explained as resulting from the prominence of blood within sacrifice, warfare and gladiatorial combat, but was later dismissed by Burriss, who believed that the absence of language describing sacrificial blood was, itself, proof of a blood-taboo.⁵⁸ Neither provided significant evidence to support their theories, and it should rather be suggested that as 'both pure and impure', blood was not to be avoided by *everyone* while it was performing its intended

⁵⁴ Liv. 1.45.

⁵⁵ Dion. Hal. *Ant. Rom.* 7.72.15; Dowden (1992: 1–7; 2000: 168–75, especially 174–5) for various etymological links to blood and the sacrificial processes in Indo-European religions.

⁵⁶ Warde-Fowler (1911b: 177–185); Beard, North and Price (1998: 1.36–7).

⁵⁷ Ullucci (2011: 61–2). McClymond (2011: 235–7) offers a similar study of reported errors within Jewish sacrifices, stressing the distinction between examining ritual and examining 'a rigorously constructed discourse about ritual behaviour.'

⁵⁸ Warde-Fowler (1911b: 32–3, 44 fn. 29, 132–3; Burriss (1931: 29, 34–5). Warde-Fowler appreciates the rigid control within the sphere of sacrifice, and mentions the use of *decollatio* as a punishment within the army, but discusses gladiatorial combat only within the debate over early human sacrificial acts at Rome. In fact, all three spheres existed and operated within carefully defined boundaries.

function within the sacrificial ritual, but became threatening and ominous in other contexts, for example, when things did not go according to plan.⁵⁹ Nevertheless it is inadvisable to accept Warde-Fowler's idea that 'blood had curiously little part in Roman ritual and custom', not only because sacrifice was such a key recurring ritual and blood was so crucial to the process, but also because of the significant presence of blood in purification rituals and its presence in both reported prodigies and their subsequent expiation.⁶⁰

The shedding of sacrificial blood was not an isolated event, but the climax of a series of ritual observances which had begun with the separation of the animal at birth from the 'profane'. Burkert uses Greek preparatory rites (some of which mirror later Roman practices), to illustrate the layers of purity and ritual observance at work in the build-up to the sacrificial act. These included processions of participants, some of whom had undergone cleansing and/or periods of sexual abstinence, as well as dancers and flute players who could drown out inauspicious noises or utterances.⁶¹ Each of these factors served to maintain the sanctity of the victim before its paradoxical 'violation' in the kill.⁶² These observances illustrate the lengthy process performed in order to maintain the acceptability of the sacrifice – the key aspects of which were the slaughter and subsequent collection and pouring of the blood.

Bloodshed is the climax of animal sacrifice. But while Roman artistic depictions frequently displayed the sacrificial knives or axes in public processions as the animal was led to the altar, the moment of death was rarely shown.⁶³ Only in later images, such as the Mithraic Tauroctony, was the moment of sacrifice itself depicted, presumably because in this context the blood had become a significant point of reference as a symbol (or even the origin) of life and fertility, by which worshippers of Mithras had been 'saved'.⁶⁴ Yet, as Valerie Warrior has stressed, such scenes fail to capture the emotive reactions that are felt at the moment of ritual killing, and which may lie at the root of many social classifications of fear and subsequent 'impurity' regarding bloodshed:

⁵⁹ Green (2001: 81).

⁶⁰ Warde-Fowler classes *exta* as completely separate from blood, though this too has important links to blood in the context of divination. The use of blood (animal and human) as a prophylactic device is attested for the Roman threshold; Plin. *HN* 28.104, 28.85–6; Ogle (1911: 251–71).

⁶¹ Burkert (1983: 3–4). The importance of the flute is stressed for Roman ritual in Cic. *Har. Resp.* 11.23.

⁶² The paradox and its subsequent ambivalence is noted in Hubert and Mauss (1964: 33); Girard (1977: 1).

⁶³ For a thorough evaluation of late Republican sacrificial images, see Ryberg (1955: especially 20–37).

⁶⁴ Cf. Girard (1977: 94); Scullard (1981: 23); Burkert (1983: 22–3 fn. 39); Merkelbach (1984: 193); Nabarz (2005: 24–5, 48).

Less apparent in both the literary texts and the iconography are the sordid details of animal sacrifice. The actual killing would literally have been a bloody business, requiring considerable skill and brute force . . . Particularly awful would have been the stench of blood, guts and excrement which would hardly have been disguised by incense.⁶⁵

Indeed, Warrior fails to mention one of the most vivid impressions left by animal sacrifice – the noise made by the process and the animal itself. This may be a factor in understanding the screams required from female participants at Greek rituals. The gleaming white altar reconstructions, such as that of the Ara Pacis in Rome, represent a sanitised version of Roman religion for the modern viewer. Just as Roman buildings were covered in striking colours and pigments, so too the altars would be vividly marked by the blood of numerous victims. To put this into perspective, an adult bull contains approximately forty pints of blood, the majority of which will leave a successfully slaughtered animal in minutes, potentially spurting distances of several metres. Human reactions to bloodshed have been central to theories concerned with ritual killing, focusing on elements such as shock, excitement, and the channelling of collective aggression and subsequent guilt – a recurring rite of communal intensification.⁶⁶ The prominence and the impression of blood in sacrifice must be remembered.

The restoration of balance, order and the *pax deorum* could be achieved through sacrifice. If, on one of the *dies nefasti*, the praetor accidentally happened to utter one of the three prohibited words, the fault was corrected by the sacrifice of an expiatory offering (*piaculum*).⁶⁷ In summing up the removal of any form of pollution from a community, the taint of bloodshed included, Girard placed considerable emphasis on the role of sacrificial blood ('whose purity has been guaranteed') as the catalyst for purification and the re-establishment of order.⁶⁸ Blood that was not intended for sacrifice could not be shed in sacred space without danger. When a gang of exiles seized the Capitol and were subsequently slaughtered, Livy noted that the bloodshed that had 'fouled' (*foedare*) the temple could be cleansed only by the performance of both physical cleansing and

⁶⁵ Warrior (2002: 41); Hom. *Od.* 3.450; Hdt. 4.189–90; Burkert (1983: 5); Dowden (2000: 174). The noise of the helpless victim was evoked by Ovid in the Pythagorean verses of the *Metamorphoses*; Ov. *Met.* 15.460–6. It is blood, however, that leaves the most lasting physical impression, conjuring up all the emotions that are felt at the moment of death.

⁶⁶ Robertson Smith (1927: especially 312–52); Douglas (1966: 13, 197); Ogilvie (1969: 45, 48–51); Girard (1977: chapter 1, especially 33–4); Liebeschuetz (1979: 80); Burkert (1983: 21, 38–40); 1987: 149–88, especially 170–1); Dowden (2000: 167–75); Meyer (2005: especially 1–16).

⁶⁷ Varro, *Ling.* 6.30; Gell. *NA* 4.9.5. ⁶⁸ Girard (1977: 36); Bailey (1932: 78–9).

religious lustration (*purgatum atque lustratum*).⁶⁹ Such an example was, of course, not an institutionalised sacrifice – it was a reaction against an unexpected social disruption. More common rituals of sacrifice are represented by agricultural purifications (*lustra*), such as those recorded in the poetry of Tibullus and the agricultural treatise of Cato the Elder. In such cases, lustrations were performed before the new season to ensure a fresh start and propitious crops, with Cato describing the purification rite of the *suovetaurilia* (sacrifice of a pig, a ram and a bull), for the benefit of the farm.⁷⁰

These examples highlight the crucial issues for the acceptability of blood within sacred space. It must (a) be the correct ‘type’ of blood, and (b) it must be shed only in the predetermined place within the *templum*.⁷¹ It was through the altar and the sacrificial fires that burned upon it that blood crossed the metaphysical divide to be offered to the gods.⁷² Sacred blood could become ominous, rather than beneficial, when it left this designated space, having been promised to the gods from the earliest possible point after the animal’s birth. So, when Gaius Flaminius attempted to make a sacrifice after disregarding traditional religious requirements, the bull broke free mid-sacrifice and, in its attempts to flee, soaked onlookers with its blood. Impiety is followed by disorder, which signifies the imbalance in the *pax deorum* – the incident was regarded as a terrible omen.⁷³ In this case it is blood upon the onlookers, combined with the overall failure of the sacrificial offering, that causes the incident to be considered prodigious – but the idea that anyone involved in the sacrifice itself could be polluted by blood is problematic. Depictions of animal sacrifices frequently show sacrificers stripped to the waist; they clearly expected to get wet. Beard, North and Price lay particular stress on the detachment of the sacrificer from the act of killing itself, which would be performed by servants (*popae, cultrarii* and *victimarii*), slaves trained to dispatch the animal as speedily as possible.⁷⁴

Though it might be tempting to ascribe fears of pollution from the sacrificial bloodshed (which was better focused upon expendable slaves),

⁶⁹ Liv. 3.18.10–11.

⁷⁰ Cato, *Agr.* 138–141; Tib. 2.1.1–17. Cato offers instructions for how to proceed if any of the offerings were ‘unacceptable’ to the gods. For non-agricultural use of the *suovetaurilia*, see Liv. 1.44.

⁷¹ Catull. 68.79; Sen. *Hercules Furens* 483–4. On the role of the altar, see Dowden (2000: 168–9, 174).

⁷² Ogilvie (1969: 45–7); Dumézil (1970: 314–16); Scullard (1981: 22–5).

⁷³ Liv. 21.63.13–14; Burriss (1931: 31). Other victims escaping sacrifice, Luc. 7.165–7; Suet. *Iul.* 59.

⁷⁴ Liv. 41.15.2; Val. Max. 1.1.12, 9.14.3; Beard, North and Price (1998: II.148–51, 160–2). Also Wissowa (1912: 417–18, 498); Bailey (1932: 81–2); Ryberg (1955: 68–9, 107); Latte (1960: 383); Ogilvie (1969: 44–5); Scullard (1981: 24); Warrior (2002: 40–1).

this is unlikely.⁷⁵ It is more prudent to assume that the slaves were chosen and trained to be specialists, to bring the victim down as efficiently and quickly as possible in order to prevent anything happening which could be interpreted as ill-omened, such as the animal escaping after an ineffective strike.⁷⁶ Nonetheless it is perhaps unusual that slaves, who were not necessarily welcome at all religious events in Roman religion, should be given such a prominent role in the proceedings.⁷⁷ Sacrificial scenes prominently depicting *popae* and *victimarii* appear seven times on Trajan's column, always stripped to the waist, leading the victims towards the altar. Despite their prominence, they are typically separated somehow from the emperor who offers prayers and libations at the burning altar itself. Warde-Fowler stated confidently that in the earliest times the priest himself would have performed the sacrifice, and suggests this to be the origin of the purple or red stripes used by priests and magistrates, all of whom he links to the sacrificial process.⁷⁸

Instead of seeking an answer based upon dangerous religious pollution, perhaps it is safer to view the process simply as a dangerous and sordid job for which it would have been unseemly for a consul, general, or emperor, to stoop. Aside from being extremely messy and undignified, one must not forget the considerable danger that comes with hitting a bull with an axe. Struggles are inevitable. Even when animals are slaughtered in a modern abattoir it can take some time for the creature to die. Failure to deliver a mortal wound would simply leave the ceremony with an enraged animal; under such circumstances the position of its blood would have been seen as a secondary priority. Moving on from the animal, the removal of clothing was practical, to avoid repeatedly ruining clothes by the immovable stains of blood. In evaluating the *victimarii* scenes from Trajan's column, Pollen observed the attendants being stripped to the waist 'to save their dress from the risks of staining or pollution with blood' – a frustratingly vague interpretation that covers 'dirt' in both the sacred and profane spheres.⁷⁹ While the non-religious explanation is preferable, it may potentially be linked to the various instances of Roman ritual where 'pure' (typically white) clothes were insisted upon,⁸⁰ which in sacrificial contexts would

⁷⁵ Evidence for the *popae* as slaves: Cic. *Mil.* 24.65; Suet. *Calig.* 32; Val. Max. 9.14.3; Quint. *Inst.* 6.3.57. The anecdote concerning Caligula assuming the dress of a *popa* to murder a *cultrarius* would fit with the pattern of his associating with gladiators and other low-born characters.

⁷⁶ Pollen (1874: 60–1); North (1990: 53).

⁷⁷ For examples of slave exclusion, or unacceptability in certain religious contexts, see Cic. *Har. Resp.* 12.24; Plut. *Quaest. Rom.* 16.

⁷⁸ Plin. *HN* 9.133–4; Warde-Fowler (1911b: 176–7). ⁷⁹ Pollen (1874: 62).

⁸⁰ Tib. 1.3.23–30; Ov. *Fast.* 2.654; Parker (1983: 68).

become ominous, should an attendant's appearance become contaminated by blood or other bodily fluids. In 43 BC a prodigy was recorded when an unnamed person slipped in the sacrificial blood and then offered a bloodstained palm-branch to the consul, Pansa, who subsequently died fighting against Antony at Mutina.⁸¹

Provided that every ritual detail was followed, the attendants could easily wash off the blood after the sacrifice – the blood smeared on the foreheads of the *luperci* (who were selected from the nobility) was also removed immediately by attendants using wool dipped in milk.⁸² Therefore the danger of contact with the blood by onlookers could stem from the removal of sanctified blood from the ritual, and typically the space designated within the *templum*, or it could have occurred when those who should have been at a distance came into contact with it.

Burris interpreted the dream of Germanicus, in which he was sprinkled with the blood of a sacrificial victim, as a sign of a priest being 'unclean until he had changed his dress' ('unclean' is taken, in this instance, to indicate a level of religious danger).⁸³ This is not suggested by Tacitus, however, who records the incident as a dream that was viewed as a favourable omen for Germanicus during his campaign in Germany against Arminius. As his robe was spattered, his grandmother Livia Augusta handed him another, finer robe, and though blood was central to the omen, the issue of its purity within sacrifice is dubious, the emphasis surely being on the finer robe symbolising his political elevation, while the change of robes once again implies a reluctance to wear bloodstained clothing. Alternatively, the emperor Gaius (or one of his assassins, P. Nonius Asprenas) was said to have been spattered with the blood of a sacrificed flamingo, and this was listed by Suetonius as one of the portents in the run-up to his assassination.⁸⁴ Such a case was more ominous than pollutive – a sign of things to come.

Just as Seneca's Hercules could not, without danger, cause blood to be brought into the sacrificial context, the onlookers at Gaius Flaminius' sacrifice, or that of emperor Caligula, could not bring sacred blood out of it. The distance kept by sacrificers would later be reversed in the ritual of the *taurobolium*, where the point was exactly to come into contact with the victim's blood.⁸⁵ With the rules firmly established that this was the case, no fear was necessary, and the blood itself was cathartic. However, it

⁸¹ Obsequens, 69 (*quidam e populo sanguine victimarum prolapsus respersam cruore palmam proficiscenti dedit*). Cf. Dio 46.33.2.

⁸² Plut. *Rom.* 21.3–8 offers a number of potential origins for the ritual. ⁸³ Burris (1931: 36).

⁸⁴ Jos. *AJ* 19.87; Suet. *Calig.* 57.4; Barrett (1989: 163–4). Dio 59.29.5 dubiously states that the conspirators ate some the emperor's flesh.

⁸⁵ Rutter (1968: 226–49); Thomas (1984: 1500–35); McLynn (1996: 312–30).

became a particular source of criticism from Christian writers, who chose to deliberately emphasise the pollutive nature of a ritual that few writers could have seen for themselves, inverting the symbolism of the participant's contact with the blood. Though rejecting the old religious practices (or in this case, the newest 'traditional practice'), Prudentius continues to use the language of impurity as a means of attacking unacceptable religious ritual, and stressing it in culturally familiar terms of pollution which Thomas tentatively suggests may have reflected wider public opinion, beyond the apologists, towards this alien ceremony.⁸⁶

tum per frequentes mille rimarum vias
 inlapsus imber tabidum rorem pluit,
 defossus intus quem sacerdos excipit
 guttas ad omnes turpe subiectans caput
 et veste et omni putrefactus corpore.
 quin os supinat, obvias offert genas,
 supponit aures, labra, nares obicit,
 oculos et ipsos perluit liquoribus,
 nec iam palato parcit et linguam rigat,
 donec cruorem totus atrum conbibat.
 . . . hunc inquinatum talibus contagiis,
 tabo recentis sordidum piaculi,
 omnes salutant atque adorant eminus,
 vilis quod illum sanguis et bos mortuus
 foedis latentem sub cavernis laverint.

Then, sliding through thousands of cracks, a shower of putrid drops falls like rain and within the pit the priest receives it, subjecting his head to every drop, corrupting both his robe and his whole body with impurity. He even turns his face upward and offers his cheeks to meet it, placing his ears under it, presenting his lips and nostrils, and even baths his eyes with the liquid; not sparing his mouth, he even wets his tongue until his whole body drinks the sordid blood . . . Stained in this way by so much pollution, with the filthy blood of the recent sacrifice, everyone hails and pays homage to him (from a distance), and all because, lying within an obscene trench, he has been washed with the worthless blood of a dead ox.⁸⁷

We see that the perception of blood within ritual sacrifice has shifted for the narrator, while the language has not. The typical vocabulary and images of staining, defilement and danger pervade the report, regardless of its

⁸⁶ Thomas (1984: 1524–5).

⁸⁷ Prudent. *Perist.* 10.1006–50; Duthoy (1969: 97–101); Beard, North and Price (1998: II.161).

historical accuracy. As well as stressing the impurity of the ceremony, the efficacy of the blood within the *taurobolium* is brought into question by the use of terms such as *tabum*. Furthermore, by using terms connected with cleansing and bathing to describe the impure substance Prudentius was also able to attack the non-Christians as an enemy who were utterly corrupt, since they ‘purify’ themselves with pollution.⁸⁸

Even when all the rules of purity had been observed by followers and for the victims, the moment of bloodshed brought new potential issues with the acceptability of the sacrifice. Problems with the blood in terms of flow, appearance or texture could also be seen as signs that the sacrifice had been rejected, or was in some way unacceptable, and these were frequently described using the imagery of both impurity and disease.⁸⁹ This applied not only to the blood but also to the internal organs, which were inspected for signs of pollution. The famous Etruscan cross-section of a liver found at Piacenza demonstrates the technical nature of such inspections.⁹⁰ This tool for the practice of extispicy is, at its core, concerned with pollution. Disorder in the *pax deorum* was demonstrated by physical disorder in the creature’s organs, made apparent by signs of disease or corruption. The careful division of the Piacenza liver, with each section ascribed to a particular divinity, allowed a *haruspex* to calculate the source of divine anger, and subsequent expiatory sacrifices could be made to rectify the situation. When a clean, healthy liver, without any sign of disease or other matter out of place was found, order and balance had been restored and the sacrifice was deemed successful.⁹¹

Lucan depicted a disastrous sacrifice in the build-up to the civil wars: ‘no red blood (*cruor*) spouted forth from the gaping wound, but a slimy liquid, strange and dreadful (*dirum virus*), came out instead.’⁹² The entrails revealed similar signs of contagion. The blood is described as corrupted (*infectus*), and as having stained (*tingere*) the *viscera*.⁹³ Once again impurity is explicitly linked to natural and social imbalance. Cases of prodigies are reported where blood was found in unnatural places, such as in rains from the sky, sweated from shields, or in streams/rivers, and had to be answered with expiatory sacrifices.⁹⁴ So we see again, ‘good’ blood is required to remove the danger of ‘bad’ blood. The more powerful the prodigy (and

⁸⁸ Cf. Lennon (2010a: 381–4).

⁸⁹ Verg. *Georg.* 3.485–93; Ogilvie (1969: 49); North (2000: 45). On the control and manipulation of sacrificial blood flow, see Plin. *HN* 11.223.

⁹⁰ Cf. van der Meer (1987:; Beard, North and Price (1998: II.176–8); Rasmussen (2003: 117–48).

⁹¹ E.g. Plaut. *Poen.* 499–500, 847–50. ⁹² Luc. 1.614–15.

⁹³ Ibid. 1.616–37. ⁹⁴ Liv. 24.10; Obsequens, 6, 11, 52.

therefore, the implied danger), or actual disaster, the grander the scale of the sacrifice required to expiate it. The *suovetaurilia* was typically considered sufficient, but during times of particular crisis, such as during the war against Hannibal in 217 BC, sacrifices were made on a massive scale to avert the growing danger, with all fresh livestock born after a specified date being killed.⁹⁵ Silius Italicus used this in his epic portrayal of the Punic war, when Rome was ordered by the Delphic oracle to ‘offer prayers and supplications to the gods and offer warm blood to the altars’.⁹⁶

In the context of animal sacrifice, therefore, the shedding of blood was fraught with complications, hence the need to control the scenario. Offering a ‘pure’ animal within a pre-designated sacred space ensured the victim was entirely pleasing to the gods. Those instances where the offering was not pleasing most frequently involve flaws in the state of the blood or organs, or the failure to successfully complete the ritual. In literary sources trying to convey images of danger and disorder, blood became a perfect tool to illustrate this danger. It is only in later artistic representations of sacrifice (and even then, primarily in the cult of Mithras), that the actual moment of death was depicted, most probably because of the central role of the bull’s blood in the Mithraic myth and liturgy. Earlier scenes focused primarily on the procession to the altar, with some showing the axe raised, preparing to strike. We have only one example from the reign of Trajan depicting post-sacrificial butchery and inspection.⁹⁷ One constant of such scenes which deserves more comment are the attendants, from whom we can deduce that the rules of cleanliness extended to the inclusion of slaves in most religious ceremonies in order to avoid the dangerous task of actually killing the animal. Therefore blood was a crucial, but messy, feature of animal sacrifice. In the following section we turn our attention to human sacrifice, which appears to have been so abhorred by Roman onlookers that every effort was made to distance themselves from the reality of their actions. A key factor in this was the deliberate avoidance of direct bloodshed in their own religious ceremonies, while potentially overstating the prominence of blood in the sacrifices of other nations.

Human blood

In theory, human sacrifice was disapproved of by Roman society. Such rites were thought of as the actions of barbarians. Nevertheless, at certain

⁹⁵ Liv. 22.10.3. Cf. Strab. *Geog.* 5.250; Wissowa (1912: 60); Dowden (2000: 172).

⁹⁶ Sil. *Pun.* 12.328 (*Dis vota precesque ferte modo et tepidos aris libate cruores*).

⁹⁷ Ryberg (1955: 128–9); North (1990: 56).

points in Roman history, typically in the context of some form of public disaster, the state appears to have resorted to forms of human sacrifice,⁹⁸ and the practice was not officially outlawed in the empire until 97 BC.⁹⁹ Under the High Empire we hear from the jurist Paulus that ‘those who sacrifice (*immolare*) humans or read the auspices with their blood or pollute (*polluere*) a shrine or temple, are thrown to the beasts or, if they are *honestiores*, they suffer capital punishment’.¹⁰⁰ The grouping of these three offences is telling, and is particularly interesting given the legal context. It demonstrates the incompatibility of human blood within Roman religion, and such offences can be listed alongside other acts of pollution, in this case those that damage sacred spaces.

We should begin by considering the question of what constituted human sacrifice. Scholars argue over how to sort out what was sacrifice from what was ritual murder (which took place every day in the various guises of Roman execution).¹⁰¹ The distinction has been an important one, for while executions in the arena involved copious degrees of bloodshed, cases where human blood was shed by the Romans themselves within religious contexts will be shown to have been careful to avoid bloodshed unless responsibility could be passed on to outsiders.¹⁰² Since our current focus is concerned with human blood as a potential source of religious pollution, however, I intend to include certain forms of killing that occurred in religious contexts, but which are not typically classified as human sacrifices.¹⁰³ Any form of ritual violence that came into contact with the sacred appears to have had numerous rules surrounding it, and the avoidance of human bloodshed in such cases is notable. The themes of impiety and pollution appear less frequently in Roman accounts of human sacrifice within their own society, yet they are both more frequent and more explicit in their reports of the religious practices of other cultures. Both areas can offer significant insights into the Roman mentality towards blood that was shed in religious contexts.

⁹⁸ Schwenn (1915: 140–87); Eckstein (1982: 69–95); Rives (1995: 65–85); Beard, North and Price (1998: II.156–60); Futrell (1997: 182–210); Bremmer (2007: 6); Schultz (2010: 516–41).

⁹⁹ Plin. *HN* 30.12; Beard, North and Price (1998: II.156, 264); Dowden (2000: 179).

¹⁰⁰ Paulus, *Sent.* 5.23.16 (*qui hominem immolaverint exve eius sanguine litaverint, fanum templumve, polluerint, bestiis obiciuntur, vel si honestiores sint, capite puniuntur*); Beard, North and Price (1998: II.262).

¹⁰¹ Hughes (1991: 1–12); Kyle (1998: 36–42).

¹⁰² Even some ritual killings were bloodless when the proximity to religion might have been too close for comfort.

¹⁰³ Rives (1995: 65–85), especially 65–6 follows a similar principle in his examination of allegations of human sacrifice between pagans and Christians.

The most widely known acts of ritual murder in Rome took place in 228, 216 and 114 BC. Each case saw the live burial of two Gauls and two Greeks on the instructions of the Sibylline books, possibly, as Eckstein suggests, representing a *Kriegsopfer* of generic Roman enemies.¹⁰⁴ Gradel disagrees with the classification of human sacrifice on the grounds that no sacrificial language appears in the primary sources, and no gods are named as recipients of the offerings.¹⁰⁵ However, it is uncertain whether or not ritual formulae were used in the process, and the silence of sources such as Livy and Plutarch, who would not have known in the first place, can hardly be taken as proof against the use of religious elements within the rituals. Also, while Livy states that the acts were extraordinary, he does refer to them directly as *sacrificia*, which Plutarch states were remembered with secret rituals in November. Added to this, the use of the Sibylline Books in the various historical reports emphasises the religious dimension in the proceedings.¹⁰⁶ Despite being described as un-Roman, no sign of pollution appears in the reports of either Livy or Plutarch. The lack of the 'killer blow', and resultant bloodshed, is so curious in the wider sacrificial context of Roman religion that it must be considered to have been deliberate. Parallels with the ritual inhumation of unchaste Vestal Virgins immediately suggest themselves, given that Plutarch also states that offerings were made at the site of Vestal interments.¹⁰⁷ The different motivations behind the two sets of execution are obvious, but they are similar in their ability to kill human victims without bringing the subsequent pollution upon the society itself. 'Blaming victims is a coping strategy for human anxieties about vulnerability', but in this case, blame had to be directed against a victim without the possibility of repercussions.¹⁰⁸ The refusal of classical scholars to refer to the interments of Vestals as human sacrifices has been criticised by Holt Parker, who uses Girard's theories on internal crisis and violence in response to external threats to reclassify Vestal executions as scapegoat sacrifices on behalf of the community. He suggests that these served as expiatory offerings for the violation of the Vestal's body,

¹⁰⁴ Liv. 22.57.2–6; Plut. *Marc.* 3; *Quaest. Rom.* 83; Eckstein (1982: 69–70). Cf. Schwenn (1915: 148–52); Dumézil (1970: 449–50); Balsdon (1979: 246); Fraschetti (1981: 51–115); Schmitz (1988: 169–73); Beard, North and Price (1998: II.158–9); Grottanelli (2000: 277–92); Rosenberger (2003: 47–64); Hartmann (2010: 148–9).

¹⁰⁵ Gradel (2002: 237).

¹⁰⁶ Fraschetti (1981: 55–6); Várhelyi (2007: 285, 297–300) sees in the November ritual a form of sympathetic 'binding' and purification against the 'avenging spirits'.

¹⁰⁷ Plut. *Quaest. Rom.* 96; Gradel (2002: 237) suggests that this may have been 'dictated by the sacrosanctity of the Vestals'.

¹⁰⁸ Barrett (2008: 27).

which he interprets as the human embodiment of the city's violated walls – explaining why even an unchaste Vestal had to be kept within the boundaries of the *pomerium* in death. On the nature of the execution itself, he argues that ‘the goal . . . of such rituals is not only to remove the polluting presence of a *prodigium* but to do so without incurring that pollution’.¹⁰⁹ Whether the Vestal interments constituted sacrifice remains largely a matter of interpretation. The lack of traditional sacrificial behaviour concerning blood and *exta* remains unexplored in Parker's argument.¹¹⁰ There is also the risk of assuming excessive uniformity in the symbolism or performance of the rituals themselves. The ‘discovery’ of unchaste Vestals occurred sporadically and, as Eckstein has demonstrated, such cases were inevitably influenced by the political and military context of the time.¹¹¹ Nevertheless, no one has denied the strikingly ritualised manner of the Vestals' deaths, and the avoidance of bloodshed must surely be linked to the aim of removing impurity without causing it to be amplified.

The prevention of pollution is achieved through two methods in the cases of inhumation sacrifice. First, no single member of the community is responsible for causing death, and therefore, in Girard's terms, no one could be subject to reprisal. Vestals were buried with a ration of food and drink, and so death could be thought simply to have occurred at a later stage. Second, the Romans appear to have been careful to avoid bloodshed at all costs in such ceremonies – an extension of the first point that no one should be responsible for the act, and so represent a continuing pollutive presence in the society.¹¹² The motives lying behind the differing forms of burial may vary. Unlike the *Kriegsopfer* rituals during foreign wars, the Vestal executions may represent the desire to maintain their sanctity, although their use as a communal scapegoat during their execution/sacrifice is more convincing, and in keeping with established patterns of behaviour concerning scapegoat rituals in the Mediterranean.¹¹³ An interesting comparison exists in Columella, who mentions an Egyptian source which states that to prevent the spread of disease in a flock the shepherd should bury one of the sheep alive on a threshold, and subsequently drive the remaining sheep over the site, sympathetically transferring all the impurity into a

¹⁰⁹ Parker (2004: 563–601 especially 570, 576–85); Cornell (1981: 36–7); Porte (1984: 233–43); Mustakallio (1992: 56–7). Douglas' theories of the human body as a microcosm of the social whole and the importance of the vulnerability of bodily orifices are crucial to Parker's wider conclusions; Douglas (1996: xxxvii–xxxix).

¹¹⁰ Beard, North and Price (1998: I.80–2). ¹¹¹ Eckstein (1982: 69–82).

¹¹² Várhelyi (2007: 282). Also, Green (2001: 113).

¹¹³ Parker (2004: 578–88). On patterns from the Greek world and beyond, see Bremmer (1983: 299–320).

single ‘scapesheep’, which would absorb the sickness before its death, by which stage it was already removed from the natural plain of existence.¹¹⁴ The key here is the established pattern of ritual burial as a means of transferring/removing various forms of impurity, including physical disease. To spill the animal’s blood would be to release the power/danger with which it had been ritually ‘infected’ before its burial.

In both cases of human burial we may also be seeing an extension of Meuli’s ‘comedy of innocence’, later taken up by Walter Burkert, representing a desire to see the kill through to completion whilst simultaneously distancing oneself from responsibility, and thereby pollution (sacrificial animals were typically expected to give their assent by nodding their heads, and were cajoled into doing so if they were not immediately forthcoming).¹¹⁵ In these cases of human death the subsequent guilt is reflected in the ongoing secret offerings made to the dead. The anxiety about bloodshed in these contexts, however, is better illustrated when considered alongside other cases of blood avoidance in the Romans’ own society, and in the differences between themselves and the foreign customs they depicted (which will be examined in greater detail at a later stage). One example at this stage will illustrate this point. Tacitus offers a comparable example of a *Kriegsopfer* vow to Mars amongst the Germans. In this instance, however, the result is deliberately far bloodier and barbaric. No victim is offered before the battle, but its successful resolution is followed by the bloody slaughter of all prisoners and animals.¹¹⁶

In the special case of Marcus Curtius, the potential for guilt was removed entirely. In 362 BC, according to Livy, the earth in the forum was torn open, and the gods demanded a sacrifice of the greatest strength of the Roman people. Curtius, as a soldier, interpreted this as referring to himself, and in full military garb, prayed to the gods of heaven and the *Di Manes*, devoting himself on behalf of the city, and rode into the chasm, which closed around him.¹¹⁷ Again we see an instance of a human being as an offering to a higher power for the preservation of the city, and again the method involved was inhumation, without bloodshed. The willingness of the victim in this case removes the need for guilt and fear and the placatory ceremonies that follow, and instead Curtius’ story may be proudly narrated as a show of true

¹¹⁴ Columella *Rust.* 7.5.17.

¹¹⁵ Meuli (1946: especially 224–52); Burkert (1983: 16; 1987: 164–8); Hughes (1991: 6–8); Georgoudi (2008: 140–3); Knust and Várhelyi (2011: 7–8); Lincoln (2012: especially 26–31); Graf (2012: 35–7).

¹¹⁶ Tac. *Ann.* 13.57; Todd (1975: 183); Dowden (2000: 181).

¹¹⁷ Varro, *Ling.* 5.148; Liv. 7.6.4; Dion. Hal. *Ant. Rom.* 14.11.1–5; Val. Max. 5.6.2; Plin. *HN* 15.78; Bendlin (2006b: 25). Versnel (1981: 152–6) sees significance in the role of horses in the soldier’s sacrifice, in part representing the posthumus ‘cultic’ status they will achieve.

Roman *virtus*. The alternative story involved the leader of an enemy force drowning in the swampy marshland in full armour,¹¹⁸ and the potential to view either tale as a human sacrifice (willing victim or not) goes seemingly unnoticed by Livy, recalling the idea that the performers of such acts may deny that a sacrifice has taken place, deliberately or otherwise. Furthermore, Brown's conclusion, based on studies of Carthaginian human sacrifice, that social minorities or 'outsiders' will inevitably interpret sacrifices differently, is extended by Várhelyi to include Livy's description of acts that occurred in the middle Republican period, centuries in the past by his day. Despite the use of military imagery, no blood is shed in either report, yet Livy regarded it as the expiation of a portent.¹¹⁹

The example set by Marcus Curtius leads on to the more common form of dedication in Roman rituals of sacrifice – that of *devotio*. The lines between ritual murder, warfare and pollution are blurred within the descriptions of this ritual, and bloodshed may be said to be the natural, successful conclusion to the process, though it was carried out by Rome's enemies. This time the difficulties surrounding the religious significance of *devotio* were resolved by the ancient evidence, as Livy describes a detailed religious formula which a Roman general must recite at the moment of imminent defeat. Having followed the pontiff's orders the commander has become a dangerous (*sacer*) object – and must willingly fling himself into the enemy's ranks to be killed. This action by the outsiders resulted in the completion of the commander's vow, dedicating both himself and the enemy forces to the *Manes* and the earth (*Tellus*). Only three instances of *devotio* are recorded, all from the mid-Republican period, representing three generations of the Decii.¹²⁰

Once again the overtones of scapegoat ritual appear prominently. Bremmer gives numerous examples of self-sacrifice in the Greek world, committed with the aims of social preservation and military victory, such as in Pausanias, who tells of two Theban girls who sacrifice themselves to bring their city victory in a war against Orchomenos.¹²¹ He even includes a Hittite scapegoat ritual evoked during times of plague in which rams and a single woman were ritually consecrated, and then chased over the borders of an enemy territory with a prayer which aimed to transfer the communal

¹¹⁸ Liv. 1.12.13; Dion. Hal. *Ant. Rom.* 2.42.50.

¹¹⁹ Maccoby (1982: 7–9); Burkert (1987: 173); Brown (1991: 148–54); Várhelyi (2007: 283–4).

¹²⁰ Liv. 8.9.1–10; Plin. *HN* 28.3.12; Deubner (1905: 66–81); Warde-Fowler (1911b: 207); Schwenn (1915: 154–64); Dumézil (1970: 94); Beard, North and Price (1998: II.157–8); Versnel (1976: 365–410; 1993: 217–27); Janssen (1981: 357–81); Oakley (1998: 477–86); Bendlin (2006b: 25–9).

¹²¹ Paus. 9.17.1; Bremmer (1983: 302).

danger (now embodied within the victims), onto the enemy people, stating that ‘the country that finds them shall take over this evil pestilence’.¹²² In such cases, the scapegoat must not be killed before they cross the border, or the pollution they carried would not be successfully removed – ‘If there is annihilation in the scapegoat complex, it is characteristically left to “the others,” to hostile forces, be they demons or real enemies’.¹²³

In cases of Roman military *devotio*, the willingness and the social importance of the commander made him the ideal vessel to transport danger to the enemy – in the context of battle he need only enter their ranks to be considered ‘within their territory’, and when his blood was shed the enemy host, through this act of violation, would become contaminated. The direct naming of the enemy forces in the commander’s prayer shows another similarity with the Hittite practice of driving a dangerous scapegoat object ‘away’ to cause harm to their enemies,¹²⁴ and in his description of the *devotio* of Decius Mus, Livy envisioned the commander prominently riding into the fray ‘as if he had been sent from heaven to expiate all the anger of the gods and turn destruction away from his own men and bring it upon their adversaries’.¹²⁵

It was considered a potential source of religious danger if a devoted man survived the battle, and the completion of the vow was achieved by the burial of a large human image that took his place. Livy also states that if a commander survived, he could never enter the confines of religious space to make any form of sacrifice, living or otherwise.¹²⁶ Livy stressed the role of purity in this scenario, for while such prohibitions are typically described in terms of *fās* or *ius*, in this instance the devoted commander cannot sacrifice ‘with purity’ (*purē*).¹²⁷ The act of *devotio* itself is designed in Livy’s words to deflect the *pestis* that threatens the Roman forces onto the *hostes*, and though this may imply ‘destruction’ in some form, the possibility of religious contamination deserves consideration in this context.¹²⁸

In considering the *devotio* ritual, Dumézil dismissed Wagenvoort’s theory that the Roman commander transferred power via physical contact, in the same way as the touch of an augur performing a *consecratio*.¹²⁹ Technically Dumézil was correct, although I would suggest that it was not the ‘touch’ of the commander that was intended to impart danger, but his

¹²² Ibid. 305–6. ¹²³ Burkert (1987: 172); Bremmer (1983: 315–18).

¹²⁴ Versnel (1981: 139–40). ¹²⁵ Liv. 8.9.1–11; Warrior (2002: 45–6).

¹²⁶ Liv. 8.10.11–14; Janssen (1981: 370–1).

¹²⁷ Liv. 8.10.13–4. For example, should the spear used in the *devotio* formula be captured, it is described as *non fās*. Nevertheless, such an occurrence must also be answered by a *piaculum*.

¹²⁸ Ibid. 8.9.10.

¹²⁹ Wagenvoort (1947: 12–58, especially 31–4); Dumézil (1970: 22); Oakley (1998: 488–9).

death within the ranks of the enemy. No Roman hand was polluted by the (consecrated) blood of a fellow Roman, or played any part in an unwilling death, while the enemy defiled their own 'community' by what Thome termed 'immediate . . . contact'; as a result they completed the consecration, demonstrating the multiple layers of ritual power at work.¹³⁰ Here we see similarities with the Hittite practice of scapegoat rituals, as well as Columella's agricultural cure for diseased flocks. In such cases the victim cannot be killed without risking the release of the dangerous energy the ritual had focused within them. Yet the *devotio* diverges from other scapegoat rituals in one vital and fascinating way: a surviving commander could return to the society from which he had departed in the battle. Crucially, however, the trace of lingering power and/or danger resulted in his exclusion from the community's religio-ritual practices.

A more curious example of blood avoidance in ritual killing occurred (in some instances) during of one of Rome's most spectacular religious ceremonies – the triumph.¹³¹ The essence of the Roman triumph was a ritual procession through the city, culminating in the victorious general sacrificing an ox to Jupiter Optimus Maximus on the Capitol.¹³² Within this ceremony, however, the Romans resorted, on occasion, to the ritual murder of enemy commanders, most notably Jugurtha and Vercingetorix.¹³³ This was done out of sight, with victims being led behind the triumphal chariot, before being ritually cast down into the Tullianum. The general and celebrating crowds waited above for news of the death before proceeding with the ceremony.¹³⁴ While not a necessity within the triumph, when such killings did occur the Romans appear to have walked dangerously close to the line of human sacrifice proper. True, the victims were not 'offered' to Jupiter directly, but the fact remains that human death, which would otherwise taint religious ceremonies, had in this instance been deliberately incorporated into proceedings. But again it appears bloodshed was avoided, the enemy commander being executed by strangulation, and again the action of sending the triumphal victims 'away' (i.e. underground, just as in the cases of Vestals and war-sacrifices) appears to be significant. Communal

¹³⁰ Power certainly surrounded the general in some form or other – when performing the ceremony he stood upon a spear, which, if captured by the enemy, required expiation by means of a *suovetaurilia*. While Versnel emphasises the element of self-sacrifice over transference of danger, he does not address the issue of pollution; Warde-Fowler (1911b: 208–9); Dumézil (1970: 238); Versnel (1981: 135–85, especially 141, 149); Thome (1992: 87); Heyman (2007: 181).

¹³¹ Combès (1966: 86–93); Versnel (1970); Bonfante (1970: 49–66); Scullard (1981: 213–4); Rüpke (1990: 223–34); Beard, North and Price (1998: I.44–5, 142–3).

¹³² Plut. *Aem.* 32–4; Dumézil (1970: 288–90, 566–7).

¹³³ Sall. *Iug.* 64.3–4; Plut. *Mar.* 12.3, *Caes.* 27.10; Dio 43.19.

¹³⁴ Cic. *Verr.* 2.5.77; Joseph. *BJ* 7.153; Versnel (1970: 95); Kyle (1998: 217–20, especially fn. 25).

guilt was thereby nullified – out of sight, out of mind, and certainly out of everyday space.¹³⁵

So far we have primarily concerned ourselves with an absence of human blood within the sphere of religion in order to illustrate its deliberate avoidance in Roman custom. Yet the potential danger or absence in each of these instances is stressed all the more by the varying reports of human sacrifices beyond the empire's borders. Whatever the purpose of the sacrifices, barbarian rites within historical and literary sources were characteristically bloody, and contrasted by Várhelyi with the bloodless forms, barely acknowledged in the first place, found at Rome.¹³⁶ Silius Italicus pictured the Carthaginians' barbaric sacrifice of Hannibal's son, as his mother looks on, and asks 'what form of piety is this, that spatters sanctuaries with human putrefaction?'¹³⁷ Though this was a poetic work, Italicus employed established Roman ideas of Carthaginian barbarism and bloodthirsty cruelty, in which human sacrifice appears as a central feature of their religion. Valerius Maximus had heard similar tales, recalling that Carthaginians had crushed Roman prisoners to death under their ships' keels, and with the polluted (*pollutus*) ships subsequently violated the sea by their crimes.¹³⁸ Tertullian also says that children were sacrificed in Africa until the consulship of Tiberius, at which point the guilty priests were crucified around their own temple.¹³⁹ In the *De Re Publica* Cicero listed seemingly well established views that the Taurians, Celts, Egyptians and Carthaginians all committed acts of human sacrifice at some point, while Josephus recalled the rumour that Jewish priests offered human sacrifices (of foreigners) in secret, and tasted the victims' entrails in a similar manner to the Greek human sacrifices to Lycaean Zeus.¹⁴⁰

Accusations of human sacrifice appear most commonly in Roman accounts of northern barbarians. Florus described an invading Thracian army, which penetrated into the Adriatic, as making offerings of blood (*sanguis*) to their gods, as well as drinking it from human skulls.¹⁴¹ Pliny

¹³⁵ The Tullianum was known for its terrible impurity amongst contemporaries; Sall. *Cat.* 55.3–5; Flor. *Ep.* 2.12.11; Le Gall (1939: 60–80). On the similar removal of sacrificial scapegoat victims in Germany (in these cases, under water), see Struve (1967: 48–9); Todd (1975: 202–3).

¹³⁶ Várhelyi (2007: 289).

¹³⁷ Sil. *Pun.* 4.779–99 (*quae porro haec pietas, delubra aspergere tabo?*).

¹³⁸ Val. Max. 11.ext.1–2. The transference of pollution via blood upon a vehicle is reminiscent of Tullia's violation of her father's corpse.

¹³⁹ Tert. *Apol.* 9.2.

¹⁴⁰ Cic. *Rep.* 3.9.15; Sil. *Pun.* 4.769; Pl. *Rep.* 565d; Paus. 7.19.1–5, 8.48.6; Ov. *Ars.* 1.649–52; Sen. *Hercules Furens* 481–3; Joseph. *Ap.* 2.8; Dio 72.4.1; Burkert (1983: 83–134); Cook (1914: 1.70–81); Griffiths (1948: 409–23); Brown (1991: 159–70); Rives (1995: 70–4, especially 70–2); Velde (2007: 129).

¹⁴¹ Flor. 1.39.

the Elder (most probably following the tradition of Herodotus) reported human sacrifice as well as cannibalism amongst the various tribes around the Black Sea, comparing them to the Cyclopes in savagery. Though the act itself was viewed as utterly foreign, certain elements, such as the pouring of wine over the victims' heads, is similar to the established Greco-Roman patterns of animal sacrifice.¹⁴² Despite comparisons between druids and Pythagorean philosophers, both the Gauls and Britons appear to have resorted to human sacrifices, the bloody aspects of which are stressed as being opposed to civilised customs.¹⁴³ Both Strabo and Diodorus Siculus report the Gallic practice of impaling prisoners in honour of the gods (in Strabo's *Geography* these killings are said to take place within the temples themselves),¹⁴⁴ and both describe the Gallic practice of human sacrifice for divinatory purposes, from the flowing of the victim's blood, his death throes, or his entrails.¹⁴⁵ When cross-examining the testimony of a Gaul in the *Pro Fonteio*, Cicero asked 'Is it possible for anything to seem sacred or proper to these men who . . . pollute (*funestare*) the altars and temples of the gods with human sacrifices, so that they cannot perform religious acts without first violating (*violare*) that same religion with wickedness (*scelus*)?'¹⁴⁶

The image of the bloody altar was again evoked in Lucan's description of Gallic religion, describing the Treviri, the Ligurians and 'those who propitiate cruel Teutates with dreadful blood, and Esus, with savage shrines, and Taranis whose altar is no gentler than that of Scythian Diana'.¹⁴⁷ He later went on to describe a sacred grove outside Massalia, which included 'a rude altar with terrible offerings, and every tree lustrated (*lustrare*) with human gore (*cruor*)'.¹⁴⁸ These images were given a historical angle in Tacitus' report of the Roman assault on the British sanctuary of Mona, which crushed both a British rebellion and the barbarous rites which had been maintained there; ' . . . for they thought it *fas* to adorn their altars with the blood of prisoners, and to divine the future from human entrails' (*nam*

¹⁴² Plin. *HN* 7.9; Hdt. 4.62–5, 94; Tert. *Scorp.* 7; Porph. *Abst.* 2.56; Eliade (1972: 48–50); Brown (1991: 165–6); Isaac (2004: 474–5).

¹⁴³ Caes. *B Gall.* 6.16. ¹⁴⁴ Strabo 4.5.4; Diod. Sic. 5.32.5–6.

¹⁴⁵ Strabo 3.3.6; Diod. Sic. 5.31.3. Strabo 7.2.3 describes a similar German ritual in which the women cut the throats of war-prisoners, specifically collecting the blood in a huge ritual vessel (approximately twenty amphorae) for divination; Kendrick (1927: 81–4); Chadwick (1966: 17–25); Piggott (1968: 116–8); Todd (1975: 183); Ross (1999: 33, 55); Dowden (2000: 179–88).

¹⁴⁶ Cic. *Font.* 31.

¹⁴⁷ Luc. 1.444–6. Again we see the emphasis on barbarian otherness through the Gauls' attempts to perform acts of purification with impure substances.

¹⁴⁸ Ibid. 3.405. As with Prudentius' report of the *Taurobolium*, Lucan attempts to portray 'outsiders' as so corrupting of religion as to 'purify' with the most impure of substances.

cruore captivo adolere aras et hominum fibris consulere deos fas habebant).¹⁴⁹ The use of prisoners of war in such killings was noted by Caesar during his campaign in Gaul, and may point to misunderstanding, deliberate or otherwise, on the Romans' part. Prisoners may have been the principle source of these sacrifices, and so their executions could be viewed as misinterpreted (comparable to Roman executions of people in the arena who would, in Roman society, be classed merely as *noxii*), were it not for Caesar's deliberate use of *immolare* to describe their deaths, and his addition that when no criminals are available, they turn upon the innocent. In this case, the accuracy of the description is uncertain, but also unimportant. It illustrates that Caesar could use such imagery to draw attention to the alien (and dangerous) culture of the Gauls.¹⁵⁰

The use of blood in subversive religious rituals was also used to depict those Roman citizens who needed to be shown as 'outside' the civilized orders. Best known of these cases is Sallust's report of Catiline and his fellow conspirators, who allegedly sealed their pact with the drinking of human blood mixed with wine, an act intended to bind the men together by shared knowledge of their guilt.¹⁵¹ Plutarch exploited this motif in his report of the conspiracy, involving L. Iunius Brutus' sons, to restore the deposed King Tarquin to the throne. The conspirators swore their oaths over human entrails, and further sealed their bonds by touching them.¹⁵² Both instances are primarily concerned with acts of cannibalism, although in the case of Catiline, Rives suggests the implication of human sacrifice is unavoidable.¹⁵³ Across Roman literary genres the practice of drinking blood is viewed in the same irreligious manner as human sacrifice. Indeed, while commenting on Scythian ritual cannibalism, Pliny adds that they are given over to human sacrifice, 'which is not far short of eating men'.¹⁵⁴ The incompatibility of such acts with the divine is expressed clearly by Statius' description of Tydeus, who pollutes (*scelerare*) his jaws with the blood of an enemy, causing Athena to flee from his presence and purify herself before returning to Olympus.¹⁵⁵

¹⁴⁹ Tac. 14.30. Tacitus may well have relied on the eyewitness account of his father-in-law Agricola, who was serving in Britain under Paulinus at the time; Tac. *Agr.* 5.

¹⁵⁰ Caes. *B. Gall.* 6.16; Ellis Davidson (1988: 61) notes a similar practice of criminal selection in Norse tradition. Also Kyle (1998: 12, 78); Dowden (2000: 180); Strabo 4.4.4 mentions only criminals.

¹⁵¹ Sall. *Cat.* 22; Burkert (1983: 36–7). ¹⁵² Plut. *Publ.* 4.1.

¹⁵³ Rives (1995: 72). On accusations of cannibalism as the a means of identifying and demonising 'the other', see also Arens (1979: especially chapter 2); Edwards (1992: 71–82); McGowan (1994: 413–42); Nagy (2009).

¹⁵⁴ Plin. *HN* 7.2.9 (*nuperrime trans Alpes hominem immolari gentium earum more solitum, quod paulum a mandando abest.*)

¹⁵⁵ Stat. *Theb.* 8.761.

Such literary creations highlight Roman cultural distaste towards consuming human blood. They appear more curious, however, when contrasted with the medical qualities attached to human blood. Both Pliny and Celsus state that those afflicted with epilepsy resorted out of desperation to drinking the blood of freshly slain gladiators from the arena, yet their attitudes differed greatly.¹⁵⁶ Pliny stated that it was against custom (*mos*) for humans to put their mouths to the wounds of animals, and so it was that much worse to suck the life-force (*viva anima*) out of another man. Celsus, on the other hand, showed apparent sympathy for the desperately afflicted, believing it was a wretched cure, made tolerable only by the severity of the illness (*apud quos miserum auxilium tolerabile miserius malum fecit*). Celsus makes no mention of other, more extreme, cures for the disease, while Pliny recounts various tales of cannibalism, including the medicinal consumption of bone marrow and children's brains. This is summed up as a cure which reduces men to beasts, and deserves the very punishment they seek to cure, for 'if it is *nefas* for human entrails to be seen, how much worse is it for them to be eaten?'.¹⁵⁷ Again we see links between things associated with human sacrificial bloodshed and cannibalism, those same links that caused Pliny to draw parallels in the first place. The overall condemnation of consuming blood makes one section of Florus' history particularly puzzling. In describing Marius' victory over the Cimbri, Florus records that the German forces stood between the parched Roman forces and a nearby stream, but that by the end of the battle the victors 'drank as much barbarian blood (*sanguis*) as water from the blood-stained stream (*cruento flumine*)'.¹⁵⁸ No hint of reproach, discomfort or disapproval is offered. Rome and her commander were victorious and, as we shall see, in times of war the victory of Rome appears to have superseded all other concerns.

In avoiding the physical act of slaughter in religious settings, however, the Romans may have intended to distance themselves from the tricky issue of bloodshed upon the altar. While accepting the confusion within the ancient evidence, Beard, North and Price are clear in their refusal to accept live burials as sacrifices, since 'there was no immolation of the victims, no act of killing, no return of *exta* to the gods'.¹⁵⁹ Yet as we have seen, scapegoat sacrifices across Mediterranean culture were frequently *not* killed.¹⁶⁰ Furthermore, rituals designed to culminate in butchery and a

¹⁵⁶ Plin. *HN* 28.4–5; Cels. *Med.* 3.23.7.

¹⁵⁷ Plin. *HN* 28.5 (*aspici humana exta nefas habetur, quid mandi?*)

¹⁵⁸ Flor. 1.38. ¹⁵⁹ Beard, North and Price (1998: I.81).

¹⁶⁰ See for example, the Yom Kippur scapegoat ritual of expelling the victim into the desert to be taken by Azazel; James (1962: 55).

communal meal would naturally be avoided in cases where human victims were used, especially if, as Pliny suggests, it was considered *nefas* to view human entrails.¹⁶¹

The patterns of blood avoidance and pollution observed so far make the final case we must consider all the more complex – the alleged use of human blood in the cult of Jupiter Latiaris. Described by Servius as a *deus antiquissimus*, his sanctuary was located on the Alban Mount and formed the cult centre of the early Latin league and the *feriae Latinae*.¹⁶² Yet this seemingly venerable deity was subject to numerous accusations by Christian apologists, who circulated various rumours about human sacrifice within the cult. The principal accusation was that during the *feriae Latinae* a series of games and gladiatorial fights were performed, after which the statue of Jupiter Latiaris was decorated with the blood of defeated fighters.¹⁶³ The issue has been debated for over a century, and no consensus has yet been reached. For our purposes, however, what is more important is the language used by the apologists when constructing their polemic. Like Prudentius' verse description of the *Taurobolium*, apologists combined the theme of impurity with actions of cleansing.

Tertullian states that the statue was 'washed' (*proluere*) with the blood of a *bestiarius*, an act which he suggests is made 'fouler' (*turpius*) by the fact that it is the blood of a bad man, stressing his feeling of revulsion towards the ritual, as well as the ironic use of purification with human blood for the statue.¹⁶⁴ Minucius Felix, a near contemporary of Tertullian, also describes Latiaris as 'bathed in gore' (*cruore perfunditur*),¹⁶⁵ and later in his work offers an extended diatribe:

... And even today Jupiter Latiaris himself is worshipped with murder, and as is appropriate for the son of Saturn, he is fattened (*saginare*) with the blood of the wicked and the condemned. I believe it was he who taught Catiline to seal his oath with a contract of blood; and Bellona to wet (*imbuere*) her sacred rites with a draught of human gore (*cruor*); and to heal the falling sickness with human blood – a disease which it is worse to cure! They are

¹⁶¹ On the symbolism surrounding the sacrificial meal, see Burkert (1983: 37–8); Detienne (1989: 13); Durand (1989: 100–5); Dowden (2000: 159–61); Scheid (2012: 84–95).

¹⁶² Serv. *Aen.* 12.135; Warde-Fowler (1911b: 237–8); Latte (1960: 144–6); Dumézil (1970: 204); Bonfante (1970: 49–66); Versnel (1970: 115, 280–4); Liebeschuetz (1979: 82, fn. 3); Finocchi (1980: 156–8).

¹⁶³ Min. Fel. 23.6, 30.4; Justin, *Apol.* 2.12; Tert. *Apol.* 9.5. The allegation is also mentioned in Porph. *Abst.* 2.56.9. The accusations were rejected by Wissowa and Schwenn, and the silence of many scholars in the twentieth century indicated that this had become orthodoxy; Wissowa (1912: 124 fn.8); Schwenn (1915: 180–1); Rose (1927: 273–9); Latte (1960: 144); Ville (1960: 281–90); Rives (1995: 75–6); Kyle (1998: 37, 39–40). More recently, however, in support of the allegations, cf. Gradel (2002: 235–54); Grandazzi (2008: 2.653–62).

¹⁶⁴ Tert. *Apol.* 9.5; Lennon (2010a: 381). ¹⁶⁵ Min. Fel. *Oct.* 23.6.

not dissimilar who devour the beasts from the arena, smeared (*inlinere*) and corrupted with gore (*infectus cruor*), fattened (*saginare*) on the limbs and entrails of men. For us it is lawful neither to see nor to hear of murder, and so much must we avoid human blood that in our meals we avoid the blood of animals bred for eating.¹⁶⁶

Here the emphasis shifts from washing with human blood to consuming it, which Rives takes to be an attempt by apologists to turn the tables on their accusers and the allegations circulated about Christian rituals.¹⁶⁷ That an actual human sacrifice took place in this festival remains unlikely, and the most probable explanation is a highly negative interpretation on the part of the apologists of the gladiatorial shows connected to the games. The proximity of shows in the arena to such religious rituals again calls to mind Hopkins' point that the events strayed close to human sacrifices.¹⁶⁸ Within these Christian reports we see a similar line of attack used against traditional Roman practices to those which earlier Roman authors had, themselves, used against barbarian nations. Inverted notions of piety and purity were thought to be marks of barbarism, and so the apologists used these very traits to condemn their persecutors.

In the strictest sense of the term, therefore, Roman religion carefully avoided the practice of human sacrifice. Those times when it did occur were typically as a result of military disaster or imminent danger to the state, and specifically involved the removal of the victim, sending them 'away' to prevent contamination. The less certain exceptions of the triumph and the *feriae Latinae* both share links to combat and warfare. It is to this specific area that we must now turn.

Bellum iustum

The greatest degree of contact with blood in the ancient world would undoubtedly be within the sphere of warfare. Yet war in the Roman world was subject to copious ritualisation,¹⁶⁹ and the blood of conflict could be viewed in a positive or negative light depending on the context within which it is shed. Despite significant levels of contact with both bloodshed and death, the subject of pollution from war in the Greek world receives surprisingly little attention in Parker's *Miasma*, which focuses instead on the purity status of individual killers within Greek society. Parker discusses the

¹⁶⁶ Ibid. 30.4–6. ¹⁶⁷ Rives (1995: 74–7). Cf. Nagy (2004: 69–80).

¹⁶⁸ Hopkins (1983: 5). Cf. Val. Max. 2.4.7; Serv. Aen. 3.67; Werner (1963: 399–400); Alföldi (1965: 19); Versnel (1970: 280); Plass (1995: 58–60); Futrell (1997: 188–9).

¹⁶⁹ Cf. Rich (2013).

so-called ‘silence of Homer’ on the subject of purification, although again the focus on the whole avoids the *Iliad* and the theme of warfare, as well as the potential for the battlefield to be marked out as yet another potentially acceptable place for bloodshed.¹⁷⁰ By exploring various reports of blood in Roman warfare we shall see that war could be used both to glorify and to demonise the various protagonists, and while blood could be shed upon the battlefield (a ‘correct’ place both for blood and general conflict), it will be necessary to consider whether purification was actually required of soldiers for their safe reintegration into society. The ‘acceptability’ of blood in war must be contrasted with perhaps the most irreligious blood of all in Roman eyes – blood which was shed in civil war, which represented one of the greatest pollutions for Roman commentators, especially those writers of the late Republic and early Augustan period, who had lived through the turbulent years of proscription and civil conflict.

We begin, however, with a victory, an event marked out as glorious by the morally conscientious Livy: the origins of the family name Torquatus. During a battle against the Gauls in 361 BC we are told that an exceptionally large Gaul challenged the best man of the Roman army to single combat. Only Titus Manlius accepted the challenge, and was victorious. The only material prize he took was said to be a golden torque, which he wore while it was still spattered with the blood (*cruor*) of his enemy, subsequently leading to his family name.¹⁷¹ Aulus Gellius recorded an even more bloody account by Quintus Claudius in which the young Manlius cut off the head of his enemy before wrenching the bloody (*sanguinulentus*) torque from the headless neck.¹⁷² With characteristic Frazerian zeal, Burriss interpreted this as an attempt by Torquatus to transfer his enemy’s *mana* to himself via the blood, in the same way that Wagenvoort interpreted the use of blood as a cure for epilepsy in his examination of *contagio*.¹⁷³ Burriss used the report of the emperor Commodus wiping the blood of a defeated gladiator on his face as a comparison to further emphasise this idea,¹⁷⁴ yet his conclusion was not only unsound, but also unnecessary. The role of blood in each instance is not entirely compatible, and appears in the *Historia Augusta* as an established biographical means of condemning Commodus’ rule, while in the story of Torquatus it appears simply as an acceptable by-product of his military victory. In the later years of Torquatus’ life he was reported to have ordered the execution of his son, who had disobeyed an order not to engage the enemy. The son had triumphed in single combat just as his father

¹⁷⁰ Parker (1983: 130–43). ¹⁷¹ Liv. 7.10.11; Néraudau (1976: 685–94).

¹⁷² Gellius *NA* 9.13. For a similar event with Romulus Quirinus see Prop. *El.* 4.10.11–12.

¹⁷³ Burriss (1931: 28–9); Wagenvoort (1947: 148 fn. 2). ¹⁷⁴ SHA *Comm.* 16.6.

had, but the senior Manlius had not broken military discipline in doing so. The judgement was recognised as harsh by commentators, especially Polybius, and caused the term 'Manlian' to be used for severe commands from then on.¹⁷⁵ Yet this act causes no direct rebuke, beyond the indignation of Manlius' troops, and excites no mention of pollution. The scene is more suitably comparable with the actions of L. Iunius Brutus. Both men place the welfare of the Republic above their own children, who in both cases have acted contrary to the interests of the state. Their actions re-establish paternal authority and discipline, and so were to be commended.¹⁷⁶ The actions of Manlius were later called upon by the younger Cato, who cited the execution of a son for undermining the authority of the state as a clear precedent when considering the fate of the Catilinarian conspirators.¹⁷⁷

Given these striking examples it may be easier to understand Warde-Fowler's belief that no taboo on blood existed, and in summing up his reasoning Burriss suggested Roman citizens were 'hardened to the shedding of blood on battlefields, and that the blood of sacrifices at the altars and at the gladiatorial combats was an everyday sight'.¹⁷⁸ In these varied circumstances, however, we see three of the most common forms of bloodshed, but also those most heavily regulated by various forms of ritual, designed to contain such violent acts within specific times and places. This separation is crucial in any interpretation of anecdotes from Roman historians, as it indicates periods of time or physical spaces in which bloodshed could be acceptable.¹⁷⁹ However, just as Dionysius has the 'outsider' Arruns describing L. Iunius Brutus as polluted, so too Roman perceptions could be altered in their portrayals of barbarian victories. So, in the *Punica*, Hannibal pours a libation of blood (*cruor*) to the Stygian gods in his prayers for success, exclaiming 'How much Roman blood will wet this armour!' and later, in the heat of battle, 'When can I wash away this stain, and how much Roman blood (*cruor*) will be needed to cleanse it?'¹⁸⁰ The barbaric willingness to embrace bloody images and practices condemns Rome's polluted enemy. Again we see the construction of an enemy who believes that pollution itself can cleanse, a belief that places him firmly outside civilised society. When commenting on the carnage of Pharsalus, Lucan wished that

¹⁷⁵ Polyb. 6.54; Liv. 8.7–22. ¹⁷⁶ Gaughan (2010: 37–41).

¹⁷⁷ Sall. *Cat.* 52.32. Cf. Bremmer (1993: 159) on the militaristic nature of Rome's gradually emerging myth system. Similarly, Val. Max. 2.7.11 recounts Q. Fabius Maximus' decision to cut off the hands of those Roman soldiers who attempted desertion as a warning to others.

¹⁷⁸ Warde-Fowler (1911b: 33); Rose (1926: 193–4); Burriss (1929a: 145; 1931: 29–30).

¹⁷⁹ Burkert (1983: 46–7) argues that the acts of hunting, animal sacrifice and warfare were 'symbolically interchangeable'.

¹⁸⁰ Sil. *Pun.* 2.425–6, 55, 12.283–4.

the blood shed that day might be of barbarians instead, again implying the 'correctness' of blood that was shed in Rome's military victories.¹⁸¹

In examining ritual behaviour in war, Georges Bataille noted the widespread presence of seemingly essential rules of separation, which were required to mark off 'war time' from 'peace time', as well as define who 'the enemy' were.¹⁸² In Rome, most obviously, there was the initial declaration of war by the *fetiales*, the officials who issued demands to foreign peoples and were entrusted with the formal, ritual declaration of war, which called the gods to witness that the Romans were engaged in a 'just war' (*bellum iustum*) against a specific group.¹⁸³ There was also the ceremony of the opening/closing of the gates to the temple of Janus that marked the beginning/cessation of hostilities, which Livy ascribed to the mythical King Numa, but which perhaps came to greatest prominence during the reign of Augustus.¹⁸⁴ As well as knowing who the enemy were, it was also important to be clear about who on the Roman side was allowed to fight the enemy. Plutarch referred to a letter written by Cato the Elder which implied that only those who were attached to the army, and who had express permission from the commander, could attack or engage an enemy in combat.¹⁸⁵ However, rites concerned with the official beginning and end of conflicts do not address the question of whether Roman troops returning from wars were required to undergo some form of purification before reintegrating into regular society. For the most prominent examples of implied 'cleansing' from bloodshed we must once again consider reports concerning triumphal ceremonies.

The most direct mention of purification as part of the triumph comes from Festus, who stated that the returning troops wore laurel to cleanse themselves of the blood which had been shed in the recent battles, before they entered the city (*. . . ut quasi purgati a caede humana intrarent urbem*).¹⁸⁶ Some effort appears to have been made to externalise various forms and symbols of violence, with soldiers traditionally prohibited from entering the city in full military dress, and so the triumph represented an exceptional circumstance. One of the clearest indications that laurel continued to hold religious significance in the late Republic was that the senate,

¹⁸¹ Luc. 7.535–6 (*utinam, Pharsalia, campis sufficiat cruor iste tuis, quem Barbara fundunt pectora*).

¹⁸² Bataille (1986: 73–6).

¹⁸³ Liv. 1.24.3–9, 1.32.6–14; Dion. Hal. *Ant. Rom.* 2.72.3–4; Warrior (2002: 71–3); Rich (2011: 187–242). On the disputed antiquity and function of the college, see Wiedemann (1986: 478–90); Zollschan (2012: 119–44).

¹⁸⁴ Liv. 1.19.1–4; Verg. *Aen.* 1.293–6, 7.607–15; RG 13; Schilling (1979: 255–6).

¹⁸⁵ Plut. *Quaest. Rom.* 39.

¹⁸⁶ Fest. s.v. *Laureati*; McCartney (1929: 201–3); Burriss (1931: 39); Bailey (1932: 23).

amongst its many awards to Augustus, offered him the right to have laurel trees at his doorposts, despite the fact that this was traditionally reserved for the thresholds of sacred places such as temples and sanctuaries.¹⁸⁷ The tradition of cleansing bloodshed with laurel was known in both Greece and Rome. Ogle notes a number of prominent cases, notably the purification of Orestes from matricide, as well as the crowning of Hercules after he had slain Cacus.¹⁸⁸

Yet the symbolism that surrounded laurel was uncertain even amongst Roman writers, and Pliny disputed Masurius' claims, which were similar to those of Festus, that laurel was used in the triumph to purify the soldiers from the stain of bloodshed. He believed it was given pride of place because it was loved by Jupiter, as was evident from the fact it was never struck by lightning.¹⁸⁹ Pliny's point is noted by Beard, who criticises modern interpretations that ignore these alternative explanations (although she regards the alternatives with equal scepticism).¹⁹⁰ The fact that Pliny felt the need to record (and dismiss) the purification theory suggests that it was a well-known explanation for the use of laurel in the triumph. Pliny concedes that it was *nefas* to pollute (*polluere*) the laurel in any way, and combined with its use in temples and by priests, a religious explanation appears highly plausible, although it is uncertain whether the laurel was used specifically to cleanse the army of bloodshed, or simply because it was taking part in a major religious procession in honour of Jupiter. Despite Rüpke's insistence that the ritual lustration of Roman forces (*lustratio exercitus*) was not intended as a purification, but as an apotropaic ritual of protection, he does concede that in this ritual, like the triumph, soldiers were decked with laurel crowns and that the laurel had a long-standing tradition of being used in rites of purification (Reinigungsritualen).¹⁹¹ Instead of favouring one interpretation of the use of laurel over another, a more sensible approach may be to accept that it held multiple layers of symbolism and significance. In this context, it could perform multiple functions, and the differing explanations for its importance were not contradictory. Commentators may not have known

¹⁸⁷ *RG* 34; Hor. *Od.* 4.2.34–5; Ov. *Met.* 1.562; *Fast.* 4.953–4; Juv. 2.157–8; Dio 53.16.4; Ogle (1910: 287–311; 1911: 263–4); Lacey (1981: 113); Curran (1981: 209–12); Parker (1983: 228–9); Zanker (1988: 92–4); Rich (1990: 148).

¹⁸⁸ Ogle (1910: 288); Dion. Hal. *Ant. Rom.* 1.40.

¹⁸⁹ Plin. *HN* 15.135. ¹⁹⁰ Beard (2007: 50, 52, 246–7).

¹⁹¹ Rüpke (1990: 26, 145–7, with bibliography); von Staden (1992: 19); Rich (2013). Although Rüpke states at 238 that laurel was primarily a symbol of victory at this time, and that its purificatory functions had been superseded, nevertheless laurel continued to play a prominent role in religious rituals, and so these two symbols could not be, and probably did not need to be, completely divorced from one another.

with any degree of certainty the reason for its presence, but this did not stand in the way of its inclusion in the triumph.

The triumph may also have contained a second potential action of purification in the army's passage under the triumphal arch, the *porta triumphalis*.¹⁹² Van Gennep called upon various examples from Roman religion to demonstrate his theories on separation and reintegration, and he made special mention of the triumphal arch when considering the development 'from magical portal to monument'. 'The victor was first required to separate himself from the enemy world through a series of rites, in order to be able to return to the Roman world by passing through the arch. The rite of incorporation in this case was a sacrifice to Jupiter and to the deities protecting the city'.¹⁹³ Under such circumstances the custom requiring the army to wait outside the city represented a phase in its reintegration, which was decided upon by the senate.¹⁹⁴ Once permission had been granted, the army progressed through the arch and left the bloodshed behind them, along with the rules of behaviour that made such violence permissible.¹⁹⁵

Wagenvoort considered whether armies entering the city in triumph were required to undergo a more intensive purification than those who received no such honours, and believed this must be so, due to the more extreme levels of blood-pollution they must have accumulated in their victory.¹⁹⁶ This is highly unlikely given the emphasis we have seen on military victory, and the acceptability of bloodshed in achieving it. I would agree, however, that soldiers participating in the triumph ceremony needed to take special measures before participating in the rite. While Roman rituals frequently placed great emphasis on particular gates and thresholds for particular purposes, the wider context of the triumph must be remembered.¹⁹⁷ Although the Roman commander received significant political honours in the ceremony, it was Jupiter who received the ultimate honours of the

¹⁹² Coarelli (1983: I.III–II.8; 1988: 363–437); Versnel (1970: 132–63); Rüpke (1990: 223–34); Beard, North and Price (1998: I.44–5). On the problems surrounding the location and nature of the *porta triumphalis*, cf. Beard (2007: 96–101).

¹⁹³ Van Gennep (1960: 15–25, especially 21); Wagenvoort (1947: 163).

¹⁹⁴ Liv. 3.63; Polyb. 6.15; Plut. *Aem.* 33. ¹⁹⁵ Beard, North and Price (1998: I.179–80).

¹⁹⁶ Wagenvoort (1947: 163–4); Versnel (1970: 151–3, 161–3).

¹⁹⁷ For example the various designated *portae* in the gladiatorial arenas, which distinguished between the victorious (*porta Sanivivaria*) and the dead (*porta Libitinaria*); Dio 73.21.3; Kyle (1998: 156). Davies (1999: 183–4) argues for the symbolism of the gates as representing 'the awesome power of Caesar'. While this may have developed in the Imperial period, in its earliest form it represented a clear ritual of separation for the dead. This superstition lingered well into the Imperial period also, as Commodus' act of twice having his helmet carried through the gate of the dead was regarded as a clear omen in the run-up to his assassination; SHA *Comm.* 16.

commander's wreath, and the sacrifice of a bull on the Capitol.¹⁹⁸ Under these circumstances the triumphant army should be viewed as taking part in a massive, continuous ritual in honour of Jupiter, perhaps with the arch representing the victorious entrance, as opposed to the humiliation of the yoke. Again, we should recall Cicero's first religious stipulation from the *De Legibus*: 'they shall approach the gods with purity, they must bring piety, they must leave offerings'.¹⁹⁹ Each of these elements was suitably answered in the traditional triumphal ceremony. The transition through the triumphal arch, combined especially with the wearing of laurel leaves, ensured the participants' purity from both bloodshed and any other form of impurity before approaching religious sanctuaries within the city.²⁰⁰ The strict religious observance at the occasion, combined with the rich sacrifices and *spolia*, ensured that no fault might offend the gods.

Our investigation so far suggests that blood upon the battlefield was generally acceptable. Nevertheless, efforts were taken to keep these aspects of life 'outside' Roman society, and particularly from religion. The need for Aeneas to purify himself from the stains of battle before touching the images of his household gods indicates that even victory or just cause could not always excuse such pollution, the natural result of human warfare. The most important form of pollution incurred in war, the blood shed in civil conflict, still remains to be examined. Many Roman authors dealt with the subject of civil war and described it as one of the greatest impieties, resulting in the deepest of stains.

Bellum civile

In Plato's examination of kin murder in the *Laws* he concluded that a man who killed his brother in civil or political conflict was free from pollution, for the man he killed was justly called an 'enemy'.²⁰¹ In this case we see perhaps the greatest divergence from typical Roman attitudes in the sphere of pollution. To the Roman authors of the late Republic and early Principate, civil war represented the ultimate crime, and resulted in the ultimate pollution, described by Virgil as the time when all notions of *fās* and *nefās* were inverted.²⁰² The examination of civil war has two focuses

¹⁹⁸ Versnel (1970: 95). ¹⁹⁹ See footnote 1.

²⁰⁰ Versnel (1970: 162–3) refuses to accept Wagenvoort's support of Van Gennep in considering this return an apotropaic 'rite of passage', unlike the passage through the *Tigillum Sororium*. Neither side considers the army's entrance into a separate religious ceremony in the triumph alongside the army's wider 'entrance' back into Roman society, which appears to have been free from religious concerns.

²⁰¹ Pl. *Leg.* 869b–c; Parker (1983: 112).

²⁰² Verg. *Georg.* 1.505; Luc. 2.286.

here: first, the widespread *scelus* which was perceived to have infected the entire Roman people, and which was still being expiated under the reign of Augustus; second, the issue of individual responsibility, which was directed in later literature towards the leaders of the various outbreaks of violence. This was notable in Lucan's depiction of Caesar in the *Pharsalia*, but perhaps the most lurid reports concerned the earlier conflicts between Marius and Sulla, who were equally condemned as 'polluted' by their crimes, by both historical and literary writers. In these cases particularly, bloodguilt is attached to the two men regardless of whether they struck the killing blows or not, as we have already seen in the case of Merula's suicide.

In evoking the recent history of the civil wars, Horace wrote to Pollio of 'arms stained with blood still unexpiated' (*arma nondum expiatis uncta cruoribus*).²⁰³ Such a sentiment reflects the wider literary view of civil conflict in the first century BC, and as Wallace-Hadrill has illustrated, this view fitted into Augustus' programme of restoration, a process that represented the gradual expiation of pollution which still clung to the Roman people, and had done since the first mythical instance of civil bloodshed – the fratricide of Romulus.²⁰⁴ Livy's emphasis on the long-lasting effects of civil war is voiced poignantly by the Sabine women, who interceded between their warring Roman husbands and Sabine relations, pleading that 'fathers-in-law and sons-in-law should not spatter themselves with impious blood (*ne se sanguine nefando . . . respergerent*) nor stain their children by kin-murder (*ne parricidio macularent*)'.²⁰⁵ It is uncertain whether pollution was always thought to attach itself to subsequent generations, and it is important to remember the turbulent political context in which Livy began writing his history.²⁰⁶ As Liebeschuetz has pointed out, the emotional scars of the civil war had a significant impact upon those writers who lived through it, and they followed the traditional practice of assigning both religious and non-religious explanations for the events.²⁰⁷ This paved the way for Augustus' reforms, designed to restore the *pax deorum*, the upsetting of which had resulted in 'divine wounds' (*volnera sacra*) dealt to the Roman state, which in Lucan meant no sacrifice was accepted by the

²⁰³ Hor. *Carm.* 2.1.5.

²⁰⁴ Wallace-Hadrill (1982: 19–36, especially 24); Nasta (2001: 67–80, especially 69–73); Hor. *Epod.* 7.14–20; Luc. 1.95.

²⁰⁵ Liv. 1.13.2.

²⁰⁶ Burton (2000: 429–46) argues that Livy began writing earlier than previously thought, suggesting a start-date of 33 or 32 BC. For wider bibliography on Livy's dates of composition, cf. Lobur (2008: 229–30, fn. 154).

²⁰⁷ Liebeschuetz (1979: 55–6); Hor. *Epod.* 16. Cf. Carrubba (1966: 29–34).

gods, leading to prodigies of blood and unsuccessful offerings throughout his epic.²⁰⁸

As with any case of murder, the most evocative physical symbol of the act was blood, and so references to bloodstained swords, battlefields, earth and temples were the perfect way to illustrate the crimes of the preceding decades. It was also ideal for the assigning of blame. In the *Philippics*, Cicero invited obvious comparisons with Antony by praising Lepidus, describing him as a man of noble birth, rank and achievement, whose fortune was not only great, but also free from the stain of civil blood (*... res familiaris cum ampla, tum casta a cruore civili*).²⁰⁹ This may be compared with the theft of the state treasury from the temple of Saturn by Caesar and his army. Lucan described the tribune Metellus' attempt to block the robbery, challenging Caesar that he should never achieve his aim without staining the money with the sacred blood of a tribune (*... nullasque feres nisi sanguine sacro sparsas, raptor, opes*).²¹⁰ Caesar deliberately avoids the confrontation, directly stating 'my hand shall never be polluted (*polluere*) by your blood'.²¹¹ This encapsulates the wider themes of Lucan's work, the pollution of civil bloodshed, and the *scelus* it brings to *all* those who indulge willingly in it. As Gorman has illustrated, the only true hero of the *Pharsalia* is Cato, who from the beginning described the war as *nefas*, and whose suicide was later imagined by Seneca, using his sword which, until the last moment, had been 'pure' of civil blood (*et illas usque ad ultimum diem puras a civili sanguine manus in pecus sacerrimum armavit*).²¹² Even Pompey, who fought on the side of the Republic, receives some portion of blame for the irreligious conflict. Lucan's Caesar reminds his troops that Pompey served a bloody apprenticeship under Sulla, whose sword he licked clean of blood. As a result, he is still thirsty, for 'once blood has been swallowed, it never allows the polluted mouth to give up its ferocity' (*nullus semel ore receptus pollutas patitur sanguis mansuescere fauces*),²¹³ further illustrating the abhorrence felt towards tasting human blood, which Lucan exploited for maximum effect in depicting Pompey's madness (and Caesar's own hypocrisy).

It was earlier, however, in the early stages of the civil violence which plagued the late Republic that we see the figures of Marius and Sulla most strongly criticised for their actions, which resulted in the first significant

²⁰⁸ Luc. 1.608–37; 3.315; 7.137.

²⁰⁹ Cic. *Phil.* 13.4.8, 4.11. The dependence upon the speaker's outlook is illustrated by Valerius Maximus' attack upon Brutus, whom he claims is guilty of all the bloodshed and carnage of the civil wars by his act of parricide; Val. Max. 6.4.5.

²¹⁰ Luc. 3.124–5. ²¹¹ Ibid. 3.135–6.

²¹² Gorman (2001: 263–90); Luc. 2.286; Sen. *Suas.* 6.2. Also Dick (1967: 235–42, especially 237); Frank (1970: 59–61).

²¹³ Luc. 1.331–2.

numbers of Roman civil casualties as each side vied for supremacy in the city, alternately 'purging' Rome of any who sympathised with the other side.²¹⁴ The various stories of bloodshed and slaughter are frequently given religious overtones to increase the sacrilegious nature of their offences, and the impurity and bloodguilt for the carnage is directed specifically towards these two leaders.

Beginning with Marius' assault on the city, Lucan stressed the pollution of sacred spaces, as well as the ground: *stat cruor in templis, multaque rubentia caede lubrica saxa madent*.²¹⁵ The sacred blood of the tribunes was shed as their heads were paraded through the city (*saeva tribunicio maduerunt robora tabo*). The blood of Scaeva, 'sacrificed' (*mactavere*) outside the temple of Vesta, snuffs out the sacred flame, and in the centre of the carnage is Marius, the *cruentus victor*, dealing out death and mercy according to his personal grudges. Only those who kissed his polluted hand (*pollutae dextrae*) were spared.²¹⁶ This horrific scene is made more tragic by the subsequent vengeance of Sulla, which shed the last drops of blood left within the city. Virgil's statement that in civil war *fas* and *nefas* are inverted is illustrated in the brutality, as sons are stained with the blood of their fathers, brothers turn on one another, tombs are filled with fugitives while the multitude of corpses lie unburied; an inverted, bloody and polluted series of events.²¹⁷ The Tiber, traditionally the instrument of purification in transporting impure objects away, struggles under the burden of blood and corpses.²¹⁸

Both men featured in Valerius Maximus' collection of anecdotes, in close succession and in similar events. Sulla is said to have had the severed heads of his enemies brought into his presence so that his eyes could feast on what his mouth could not (. . . *ut oculis illa, quia ore nefas erat, manderet*). It is unlikely that Sulla was thought to have deserved praise for holding back from this last nefarious action. Marius, too, was imagined with the head of his enemy, M. Antonius, which he examined while dining, and 'allowed the rites of the table to be contaminated by the blood of a most famous citizen and orator, and even embraced the man who had brought it, Publius Annius, spattered with the vestiges of recent murder'.²¹⁹ That the rites (*sacra*) of the dining table have been violated is not the primary

²¹⁴ Val. Max. 9.2.1–2; Plut. *Mar.* 43–4, *Sull.* 30–2; App. *B Civ.* 1.71–5, 4.1.

²¹⁵ Luc. 2.103. ²¹⁶ Ibid. 2.98–138. ²¹⁷ Ibid. 2.139–153. ²¹⁸ Val. Max. 9.2.1.

²¹⁹ Ibid. 9.2.2 (*idem caput M. Antonii abscisum laetis manibus inter epulas per summam animi ac verborum insolentiam aliquamdiu tenuit, clarissimique et civis et oratoris sanguine contaminari mensae sacra passus <est>, atque etiam P. Annium, qui id attulerat, in sinum suum recentis caedis vestigiis aspersum recepit*). The emphasis on the sheer quantity of decapitations may be an allusion to the turmoil that led to the deaths of so many great statesmen, thus leaving the state 'headless'. This historical/biographical theme is further explored in Ash (1997: 196–200).

focus, yet it does create a further layer of impurity, and, like the anecdote of Sulla before it, brings in the suggestion of cannibalism (although both hold back from the direct act). Such images built upon long-standing views of the tyrant's unnatural appetites.²²⁰ The direct mention of the head being brought to Marius' table calls to mind Meigs' threefold classification of dangerous pollution:

- 1) Substances which are perceived as decaying, carriers of such substances [i.e. P. Annius] . . . 2) in those contexts in which the substances, their carriers, or symbols are threatening to gain access to the body; 3) where access is not desired.²²¹

Marius' willingness to embrace Annius does not discount, so much as enhance, the third point in regard to his condemnation in the report, and the description of the severed head appears throughout various reports of the proscriptions, particularly in Appian, who emphasised that the consul Octavius' head was the first to adorn the rostra, but by no means the last.²²² The irreligious actions of Marius were further compounded by Appian's narrative of the death of Ancharius, who attempted, unsuccessfully, to appeal to Marius as the general was preparing to sacrifice on the Capitol; in spite of the occasion, Marius nevertheless ordered his murder on the spot.²²³

Once again we see that specific contexts, unavoidably tied to the Roman outlook, dominate the perception of blood in warfare. Upon the field of victory, it was a sight to revel in – in the aftermath of defeat, it was a further symbol of the enemy's barbarity, such as Hannibal's supposed creation of a bridge of corpses over the river Vergellus, 'so that Earth suffered an advance of Carthaginian forces as wicked (*scelus*) as that which Neptune had of their sea forces'.²²⁴ In times of civil war there was no external victim to glory over: the usual rules had been inverted, and all the more ambivalent was the blood that had been shed. Equally the *scelus* was presented as all the worse when envisioned by men such as Horace and Virgil who had suffered through it. In his comparison with later (Christian) values, Robert Turcan argued that

²²⁰ On the literary representations of tyranny, and the motif of 'tyrannical consumption', cf. Dunkle (1971: 12–20); Lanciotti (1977: 129–53; 1978: 191–225); Meulder (1989: 30–52); Hook (1992: 9–58); Goddard (1994: 67–82); Braund (1996: 37–52); Leigh (1996: 171–97); Richardson-Hay (2009: 71–96).

²²¹ Meigs (1978: 310–13, especially 313); Douglas (1966: 75, 150).

²²² App. *B Civ.* 1.71. ²²³ Ibid. 1.73.

²²⁴ Val. Max. 9.ext.2 (*ut aequae terrestrium scelestum Cathaginiensium copiarum ingressum Terra quam maritimarum Neptunus experiretur*) – A reference to the use of ships' keels to crush Roman prisoners before setting sail.

the idea of collective sin was 'alien even to oriental paganisms'.²²⁵ The truth is open to interpretation, but those Romans who survived the decades of civil bloodshed probably came closer than any others to this sentiment of collective *scelus*.

Conclusion

Concerns about blood in certain forms clearly existed in republican Rome, though attitudes diverged significantly in certain areas from their Greek predecessors. The advancement of legal codification that had begun to develop in Greece had developed further, the result being that pollution was no longer a primary concern of the law. The image of the bloodstained hands remained powerful, however, and advocates could still conjure up such images in order to sway the opinions of their juries. In the sphere of religion, the assertions of Burriss and Warde-Fowler that long-standing exposure to sacrifice had erased all Roman anxiety towards bloodshed cannot stand. In fact, it appears that their concern for order and control was as prominent as ever; not always necessarily towards the blood itself, but certainly in the need to contain it, to successfully complete sacrifices that were essential in the maintenance of the *pax deorum*. The spaces where blood could be safely spilled were carefully chosen, and the continued performance of established processions and rituals were designed to ensure the greatest chance of success. To this end, slave specialists were employed to perform the dangerous task as quickly and cleanly as possible, to minimise the possibility of sacrificial animals escaping. Even in the case of *popae* and *victimarii*, steps were taken to reduce the appearance of excessively stained clothing, while the priest himself stood at a distance for the sake of safety, cleanliness and to reduce the possibility of an ill omen. However, the pictures of animal sacrifice we have received through Roman literature and visual culture offer a window onto a sterilised version of events. The struggles, the chaos and, above all, the mess of sacrifice are glossed over in favour of calm, ordered scenes featuring compliant animals and composed officials. Only in cases where the sacrifice is presented as having failed to win over the gods, or when they point forward to future misfortunes, do we see the emphasis placed on disorder, impurity and contagion, where it taints the sacrificial procedures, the attendants, or the animals themselves. This sanitisation of sacrifices in literature is highly revealing, as are the ways in which these images are 'sullied'. Through them, we see which

²²⁵ Turcan (1996: 338); Davies (1999: 182).

elements of religious procedure were most valued. Through practices such as extispicy, we also see the ways in which pollution helped authors to articulate their understanding of the relationship between the Roman state and its gods. When social harmony was threatened, disorder manifested itself through sacrifices, with unwilling victims, polluted blood and unhealthy *exta* highlighting divine displeasure and the upsetting of the *pax deorum*.

The unpleasantness attributed to human gore goes some way towards explaining the deliberate aversion to shedding blood in those rare cases where circumstances demanded human sacrifice or, more commonly, death in some form within religious procedures. In such cases the reasons shifted depending on circumstances. Live interment ensured no member of the community to be directly blamed (and subsequently considered polluted) by the act. Similar rules may have applied to the burial of foreign prisoners. If we follow Holt Parker's view of Vestal internment, burial avoided the potential pollution of a citizen through the murder and the violation of a Vestal's sacrosanctity, at the same time removing the danger of her pollution while keeping her within the boundaries of the city, whose walls had been violated with her chastity. The use of burial or disposal at sea as a means of avoiding or hiding murder runs throughout the examples of ritual killing. It was a useful way of removing an enemy commander during executions in the triumph. In the Roman army the burial of an effigy removed the danger of a commander who survived his *devotio*, albeit with numerous religious restrictions upon his return to private life. Where bloodshed did occur in the successful *devotio*, it was conducted by the enemy, who sealed their own fate by the act. That the aim of these actions was specifically to avoid bloodshed is not certain, but is certainly suggested by the frequent condemnation of barbarian nations for practices that may have been closer to Roman customs than many commentators would care to admit. In evaluating these cases it has been necessary to include examples that are not usually classed as sacrifices due to the lack of a sacrificial blow, followed by division and examination of the *exta*.

As with sacrificial rituals, bloodshed in war was marked out as separate from other activities, further illustrating the need for control through ritual. Nevertheless, while within these parameters, the blood of the slain enemy could be a potent symbol of Roman power and victory, as it was in the case of Torquatus' single combat, or in the description of Marius' troops drinking their glut of barbarian blood from the stream following their crushing victory over the Cimbri. This idea was inverted in times of civil war, and if Roman victory was the optimum state of being, then civil war was considered the very worst. It should come as no surprise that pollution

often appeared most frequently in those works that dealt with Rome's civil wars. Pollution is a language of crisis, and so expressed the disorder and danger that accompanied the years of civil bloodshed.

We see the central role of blood in many aspects of Roman life, and while it could be put to beneficial uses when under control, it was a serious source of pollution when it spread beyond these carefully defined boundaries. The sheer variety of contexts in which it might be threatening, and indeed, the numerous instances in which it appears to have posed no danger at all, should further serve to emphasise the fluidity of pollution as a social and literary concept in Roman society. It remained a powerful image, a motif that strengthened rhetorical and literary arguments, for good or ill. It remained a potential source of power and contagion, not only physically but also in Rome's collective imagination. Part of this imagined power evidently stemmed from the connotations of death held by blood, and as we have seen it was one of the strongest physical indicators of such danger, in Meigs' words, because blood itself was 'dying' once it left the body. Death has run throughout this chapter. Indeed, when examining bloodshed it would be impossible to avoid it entirely, but it is to the actual state of 'death' that we now turn. Similar concepts that led to fears surrounding blood may be seen in attitudes towards the corpse (also physical evidence of the metaphysical pollution of death). While the treatment of the corpse serves as a logical starting point, death played many roles in Roman ritual and fears of pollution beyond its immediate danger, and therefore we will need to look further, beyond the immediate aftermath of death, to explore the subject more fully.

Death and remembrance

The belief that death is polluting and has wide-ranging ramifications for the family is one of the most widespread in human culture. Fear of the corpse runs throughout, but as Douglas has emphasised, the classification of dirt may manifest itself in any number of ways. In formulating his initial arguments concerning impurity, Parker grouped the pollutions of birth and death together, as the two most widespread and powerful forms of ‘natural’ pollution. The dirt and disorder resulting from these occurrences, in his words ‘the stench of the corpse’ and ‘the mess of the birth room’, may also be taken to be symbolic of the wider social disorder caused by the events:¹ ‘the events of birth and death are outside human control and therefore they bring with them pollution’.²

The human desire to impose control and order on death, over which we have no control whatsoever, is clearly apparent in modern Western culture. Hospital instructions for dealing with corpses advise the closing of the deceased’s eyes, the straightening of hair, propping of the head (to remove blood which will otherwise congeal or leak from the eyes, nose and mouth). Even the straightening of chairs and blankets in the room before admitting family members indicates an attempt to force some semblance of order (and thus, control) amidst chaos.³ Some of these acts have no obvious medical purpose, and certain equivalents appear in Roman customs.

In 1971 Toynbee gave the following appraisal of Roman beliefs, in what remains one of the central works on death in the ancient world:

All Roman funerary practice was influenced by two basic notions – first, that death brought pollution and demanded from the survivors acts of

¹ Parker (1983: 63–4). Also Hertz (1960: 49, 82–3); Barber (1988: especially 102–19).

² Hershman (1974: 290); Meigs (1978: 310); Parker (1983: 62). Meigs asserts that the ‘threat’ of unwanted bodily invasion by ‘impure’ substances is used to further symbolise disruption.

³ Barber (1988: 115); Parry (1994: 4–5, 114–15); Hallam, Hockey and Howarth (1999: especially 61–2); Lindsay (2000: 152–3).

purification and expiation; secondly, that to leave a corpse unburied had unpleasant repercussions on the fate of the departed soul.⁴

Toynbee's study, combined with more recent advances in scholarship on the subject, means that the pollutive nature of the corpse will form only the initial stage of this investigation. The impact of death extended beyond initial contact with the corpse, affecting family, household and the space around them. Then there was the aftermath, the rituals designed to propitiate the spirits of the dead, whose brief returns to the land of the living caused fear and religious disruption.⁵ The corpse ceased to pose a threat once removed from the space of the living and placed within its correct place, usually the graveyard. With regard to the wider picture, the nature of such transitions lay at the heart of Van Gennep's *Rites of Passage*, which discussed numerous instances where humans underwent ritual separation, transition and reintegration. Metcalf and Huntington have questioned the pertinence of Van Gennep's theories if they are not 'positively related to the values of the particular culture', and so we must be cautious in assuming total uniformity with the Roman world.⁶ Beyond those instances when Van Gennep called upon Roman examples in the construction of his hypotheses on death, however, certain aspects of the Roman funerary process will also be shown to support his theories. For example, when considering funerary rituals he noted that while one might expect rites of separation to be predominant, they are, in fact, relatively simple, while rites of transition and reintegration are more prominent and complex.⁷ Moreover the various rituals involved focused relatively little on the corpse, while the surviving family members continued to be affected for some time after the event. This will, of course, be important to remember in our study, for it is the survivors of death who are at risk of contamination and may spread this contamination over a wider area than the corpse itself.

Humans were not the only ones tainted by the pollution of death. Carrion animals such as birds and wild dogs which fed upon unburied corpses were feared and reviled, and so could be used as a further means of punishment when the bodies of the condemned were deliberately left for

⁴ Toynbee (1971: 43); Kyle (1998: 128–33); Salzman (2007: 116). Cf. Scobie (1986: 399–433); Shaw (1996: 100–38); Bodel (2000: 128–35).

⁵ In this we see Malinowski's theory regarding the mixed emotions of 'horror at the corpse and . . . fear of the ghost', alongside the 'love of the dead', which came into being once they had safely made the transition (physically and temporally) to 'ancestor'; Malinowski (1948: 47–8). Cf. Hopkins (1983: 224); Ducos (1995: 135–44); Bodel (2000: 135).

⁶ Metcalf and Huntington (1991: 112). ⁷ Van Gennep (1960: 146).

‘wolves and birds that haunt the Esquiline Hill’.⁸ In the sphere of religion, even dead animals could damage sanctity, and Cicero suggested in the *De Legibus* that material such as ivory was not pure enough to be offered to the gods because it was taken from the corpse of an animal.⁹ Furthermore, we shall see that the long-term threat of pollution from spirits extended to the gods and their precincts, as indicated by certain actions made to protect the gods during festivals of death throughout the year.

Not all the dead were treated equally, nor were they viewed as equally pollutive. As Cilliers and Retief have noted, the rituals surrounding death pollution may not even have been observed in many cases, while practical, hygiene-based practices would obviously continue.¹⁰ Also, while a degree of pollution could attach itself to family members following the death of a relative, far worse were those whose livelihood depended upon death, such as undertakers, corpse bearers or executioners. Each of these had rigid requirements controlling their location, appearance and ritual role within society, indicating abhorrence towards otherwise essential groups. Similarly, there were the gladiatorial fighters and the executions that took place in the arena. These came with further rituals of dress and behaviour, as well as social sanctions and prohibitions resulting from the lowly status of combatants. There was also the problem of disposing of the vast number of bodies the city produced, which resulted in certain places becoming synonymous with body dumping (and, therefore, pollution). Like those who worked with the bodies themselves, such places needed to be outside the city, but at the same time easily accessible when necessary.

The chapter closes with a brief examination of those festivals performed each year in honour of the spirits of the dead, who were thought to return to the city during these periods. Their return appears to have raised the possibility of further pollution, and the city and its religious sanctuaries were thought to require protection during the events, as well as purification during and after them. In particular, we shall focus on the two most prominent festivals of death, the Parentalia and the Lemuria. Each of the festivals that occurred within these periods may be interpreted as playing a crucial role within the celebration, propitiation, and finally the removal of the dead.

⁸ Hor. *Sat.* 1.8.19; Kyle (1998: 132, 168, 186); Rüpke (2007a: 232). For Greek fears regarding carrion animals and their threat to religion, see Soph. *Ant.* 1081–4; Parker (1983: 33).

⁹ Cic. *Leg.* 2.45 (*tum ebur ex inani corpore extractum haud satis castum donum deo*).

¹⁰ Cilliers and Retief (2002: especially 27–8).

Family and the dead

According to tradition, Numa had attempted to teach the Roman people not to view the corpse as pollutive, but this appears to have had little impact. Concern surrounded interactions between the living and the dead in Roman life, the best known regulation being the ban on burials or cremations taking place within the sacred boundary of the city.¹¹ In his first book of *Odes*, Horace imagined the unburied corpse of a sailor speaking to a nameless passer-by, imploring him to perform his burial rites. The spirit warns him not to cheat him of his request, which, if ignored, could even endanger his children.¹² All the corpse asks is three handfuls of earth, the minimum requirement to constitute a burial. Without this act the pollution of the corpse is not nullified and the spirit is left, angry, amongst the living where it may be a source of danger to others.¹³

A comparable example of spiritual unrest is noted for the assassinated emperor Gaius, whose ghost was reported to haunt the Lamian gardens, where he had been buried in a shallow grave after only partial cremation.¹⁴ His ghost was not put to rest until his sisters returned from exile and performed the necessary funeral rites. Varro's discussion of inhumation specified earth as a purifying agent which eased the removal of the spirit, while Pliny described the goddess Terra as one who makes all mortals *sacer* (referring to the metamorphosis from corpse to ancestor through burial).¹⁵ Yet Horace's example represents the smallest degree of effort and ritual in dealing with the dead, and should be assumed to have been required only for the poorest citizens, or those without any relations to perform the established rites.¹⁶ Those who died leaving family were the object and focus of a number of more complex rituals, performed as much for the protection of the family as the well-being of the corpse.

The death of a relative could throw a household into disruption and into an extraordinary condition; existing outside the boundaries of everyday life, they were polluted and possibly dangerous to others.¹⁷ As with so

¹¹ Plut. *Quaest. Rom.* 23; *Twelve Tables* 10.1; Cic. *Leg.* 2.58; Beard, North and Price (1998: 1.180); Kyle (1998: 13).

¹² Hor. *Carm.* 1.28.2.10–14 (*neglegis immeritis nocituram postmodo te natis fraudem committere?*)

¹³ Parker (1983: 44); Metcalf and Huntington (1991: 81); Hope (2000: 120).

¹⁴ Suet. *Gai.* 59; Lindsay (1998: 74); Hope (2000: 106); Noy (2000a: 189, 192–3).

¹⁵ Varro, *Ling.* 5.23; Plin. *HN* 2.154; Hope (2007: 109).

¹⁶ Peretz (2005: 123–38) notes the authority of military commanders to oversee the appropriate burial rites for fallen soldiers near to the battlefield. Such a function was fulfilled by Germanicus for the legions of Varus that had died in the Teutoburg forest; Tac. *Ann.* 1.61.

¹⁷ Moulinier (1952: 76–81). For comparable examples of social upheaval, see Malinowski (1948: 47–53); Hertz (1960: 27–34); Goldschmidt (1973: 77–84).

many societies, proximity to the deceased, as well as their social position, determined the initial levels of pollution incurred.¹⁸ Children, in particular, did not bring pollution upon a household if they died before puberty, and for this reason they were reportedly carried out at night. This was, in part, due to the lack of social upheaval caused to a family by the death of a child. There was no shift in authority, no period of readjustment.¹⁹ Mortality rates amongst young children may also have been a practical consideration. Yet Plutarch indicates that even the suggestion of death was enough to potentially pollute a household. He reveals in the *Roman Questions* that soldiers returning home after falsely being reported as killed had to enter via the roof, in a curious ritual of reintegration and ceremonial 'rebirth' before the threat of death pollution ceased to hang over the house.²⁰ It should also be noted that in times of war officials could be excused the cumbersome rituals and signals required of those polluted by death.²¹

Several duties were given to the nearest relative to perform, involving direct contact with the body, including the final kiss to catch the departing breath as it left the body, and the closing of the eyes before the moment of death.²² Rose saw the catching of breath by the nearest relative, particularly in the case of the death of a *paterfamilias*, as a means of passing on authority to the nearest relative, his son, who now became *sui iuris*.²³ Pliny also recounts the custom of closing the eyes before death, opening them again only at the cremation, since it was considered *nefas* for the last moment to be seen in the eyes of the dying, suggesting that this marked one of what Watson labelled the 'aversion points' in the process of separation.²⁴ The use of *nefas* here implies danger. Perhaps it brought those present closer to the departing spirit, letting it attach itself more strongly to them, a

¹⁸ Radcliffe-Brown (1952: 102); Douglas (1966: 82); Burke (1979: 220–8). Proximity here refers to the ties of family, rather than physical proximity, which did not appear to have been a factor in Roman society. For example, enemies of the consul Horatius attempted to interrupt a religious ceremony he was conducting by announcing that his son had died, believing it would not be right for him to continue when he was polluted (*funestus*) by death. Since the ceremony had already begun, however, Horatius was able to complete the proceedings before going into mourning; Liv. 2.8.7.

¹⁹ Serv. *Aen.* 11.143, discussed in Rose (1923: 192–3). Cf. Lindsay (2000: 154–5); Retief and Cilliers (2005b: 130).

²⁰ Plut. *Quaest. Rom.* 5. The chief requirement was the lowering of the soldier through the roof, thus avoiding the threshold. Plutarch dismisses Varro's explanation, and includes a Greek legend involving a full ceremonial rebirth, suggesting Rome had, at some point, annexed the ceremony.

²¹ Dio 56.31.3; Retief and Cilliers (2005a: 130).

²² Verg. *Aen.* 4.684; Van Gennep (1960: 146); Toynbee (1971: 43–4); Prieur (1986: 18–20).

²³ Rose (1923: 193).

²⁴ Plin. *HN* 11.150 (*Quiritium magno ritu sacrum est, ita more condito ut neque ab homine supremum eos spectari fas sit et caelo non ostendi nefas*); Watson (1982: 158–9). Aversion points are deemed crucial in the successful transition of the spirit, most importantly because they protected the survivors, and carefully avoided giving offence to the departing spirit.

danger stemming from the spirit or power which dwelt behind the eyes: *in oculis animus habitat*. The opening of the eyes at the moment of cremation would therefore have helped to aid the spirit's release from the body.²⁵ Once death had been confirmed the deceased's name was called three times (*conclamare*), which according to Servius was part of the wider ritual to ease the transition of the spirit from the home, along with the preliminary washing of the corpse with warm water.²⁶ Roman literary sources, no doubt influenced by earlier Greek examples, discuss the ritual of placing of a coin in the deceased's mouth, traditionally to pay Charon's fee across the river Styx. Again, such measures ensured that the spirit was not left loitering between worlds where it might be a danger to the living.²⁷

While only the family were immediately polluted by the stress and disorder resulting from death, a potential danger to outsiders appears to have existed. To minimise the threat, a number of outward signs of mourning were displayed. First, branches of cypress (*invisa cupressus*) or pine, sacred to Dis, were placed at the entrance of houses to announce the mourning status to outsiders.²⁸ A similar practice has been observed in early twentieth century working-class English communities, where houses that had suffered recent deaths would announce the event through a black board in the front window, to warn the community of the bereavement.²⁹ Lindsay has argued that this precaution in ancient Rome was primarily designed to protect the sanctity of Romans who held religious positions, particularly the *pontifices*, who might accidentally be polluted by proximity to death.³⁰ Burriss perceived a similar sentiment in Tiberius' criticism of Germanicus for taking part in the funeral rites for the remains of Varus' legions, since a man who was an *augur* should have avoided direct participation.³¹

This warning could also have been extended to those citizens deemed particularly susceptible to the damaging effects of pollution, such as

²⁵ Plin. *HN* 11.145–6; Plaut. *Mil.* 1260–1; Cic. *Leg.* 1.27; Quint. *Inst.* 11.3.75; August. *De civ. D.* 7.5; Evans (1935: 59–60); McCartney (1952: 187–8). Just as in modern practice, the closing of the eyes also added a degree of normality to the scene, giving the appearance of sleep, rather than death.

²⁶ Serv. *Aen.* 6.218 (*Plinius in naturali historia dicit hanc esse causam ut mortui et calida abluantur et per intervalla conclamentur, quod solet plerumque vitalis spiritus exclusus putari et homines fallere*). Cf. Toynbee (1971: 44, 288 fn. 119).

²⁷ Prop. *El.* 4.11.7–8; Juv. 3.267.

²⁸ Hor. *Carm.* 2.14.23; Plin. *HN* 16.40; Festus s.v. *Cupressi*; Serv. *Aen.* 3.64; Smith (1891: s.v. *Funus*); Corbeill (2004: 68).

²⁹ Gore (2001: 214).

³⁰ Lindsay (2000: 155); Serv. *Aen.* 3.64; de Visscher (1963: 32–6). The *flamen Dialis* was also forbidden to touch a corpse or enter a graveyard, although he could attend a funeral; Gell. *NA* 10.15.23–5.

³¹ Tac. *Ann.* 1.62; Burriss (1931: 75). Gellius' stipulation that the priest of Jupiter could attend a funeral without danger makes the validity of this uncertain, especially since this position came with far more ritual restrictions than other religious offices.

pregnant women and infants, whom Parker noted were endangered precisely because of their own liminal status in Greek society. Citing Euripides *Iphigenia Taurica*, Parker notes that the danger of impending pollution is announced to warn 'priests, pregnant women and those about to marry'.³² These groups appear to have been similarly at risk in Roman society. Marriage also appears to have been susceptible to pollution from death in Roman society, as both Ovid and Plutarch recalled the tradition that no marriages should take place on the days in February and May in which offerings were made to the spirits of the dead.³³

During the prescribed period of mourning family members were also obliged to observe a number of rules with regard to their appearance. Their clothes were dark, typically black, and in the funerary procession Plutarch states that sons were expected to cover their heads, while daughters were to walk uncovered with hair dishevelled similar in appearance to Greek practices.³⁴ Cicero noted a law from the Twelve Tables, comparable to that of Solon, setting restrictions on mourning expense, and forbidding women from rending their cheeks during the funeral (indicating at least that the practice was not unknown).³⁵ Actions involving changes of dress and appearance, along with acts of self-pollution with dust and dirt, were viewed by Parker as 'traditional modes for the expression of grief'.³⁶ They also served as an outward sign to the community of the danger attached to them during this period, just as in the case of cypress branches outside the home. Dirt rubbed on clothes and in the hair therefore offered a physical symbol of the metaphysical stain upon the family during the

³² Parker (1983: 49).

³³ Ov. *Fast.* 2.557; 5.587; Plut. *Quaest. Rom.* 86; Frazer (1929: II.438). The likely explanation for this custom may stem from the fear that death was considered damaging to fertility, hence menstrual blood (as Friedl states, the 'antithesis of life') has the power to cause miscarriage and damage crops. The numerous *dies nefasti* during such occasions already lent an air of ill omen to proceedings. Similarly, the child selected to carry the torch during a Roman wedding was required to have both parents living, and the leather from dead animals was not permitted within the sanctuary of Carmentis (a goddess of childbirth), because of the threat of pollution; Gell. *NA* 4.9; 5.17; Festus s.v. *Patrimi et Matrimi*; Ov. *Fast.* 1.629; Varro, *Ling.* 7.84; Frazer (1929: II.237–8); Friedl (1975: 29); Buckley and Gottlieb (1988: 38–9); Mantle (2002: 85–106).

³⁴ Plut. *Quaest. Rom.* 14; Cic. *Vat.* 30–2; Juv. 10.245; Toynbee (1971: 46). The wife of the *flamen Dialis* also attended the rite of the *Argei* in a state of mourning, marked by her unkempt hair, indicating the nature and solemnity of the event; this will be discussed below in reference to the role of death within the Roman calendar; Gell. *NA* 10.15.29–30. Cic. *Sest.* 144–6 suggests white robes may have also been deliberately sullied to indicate the polluted state of mourners; Heskel (2001: 133–45).

³⁵ *Twelve Tables* 10.1–3; Cic. *Leg.* 2.59; Watkins (1969: 237); Hopkins (1983: 218). As Emanuela Zanda observes, however, restrictions on 'excessive' grieving at Roman funerals must also be viewed from a political perspective, as attempts by the state to restrict forms of public extravagance which might be used for political purposes by leading families; Zanda (2011: 27–36).

³⁶ Parker (1983: 68); Bloch (1986: 80–1).

mourning phase, and contrasted with the pure, white robes that adorned the corpse.³⁷

Before being dressed in robes which would indicate the social status of the deceased, the corpse was washed and prepared with perfumes – actions which were later mocked by Lucian as irrelevant, but which made the deceased the picture of serenity and dignity, in the midst of the chaos of grief.³⁸ Once prepared, it would lie in state, normally at the house's threshold, with the deceased's feet facing the door, once again apparently in an effort to facilitate the successful departure of the lingering spirit.³⁹ This was further ensured during the removal of the corpse on the eighth day, with torches being carried before the body.⁴⁰ As the corpse was carried out, the nearest relative (also assumed to be the chief beneficiary in the deceased's will), assumed the role of *everriator*, purifying the threshold by sprinkling it with spelt and then sweeping it clean.⁴¹ That the ritual was performed for protection is suggested by Augustine, who quotes Varro's discussion of a similar ritual following a birth in the household, where sweeping was used as part of a procedure designed to protect the newborn child from the ancient Italian god Silvanus.⁴² The two rites were not necessarily linked, and it is not even certain that they were widely performed in Varro's day. Both examples, however, point to the symbollic power of cleansing. Protection was assured through a ritualised form of everyday purificatory action, which in both cases represented a step towards the restoration of social order. The family in mourning was further purified through the sacrifice of a pig. This not only purified the family but, as Spaeth has observed, was also instrumental in cementing the deceased's place amongst the ancestors, and making the burial site *religiosus*.⁴³ The ritual meal, eaten at the

³⁷ Hope (2007: 97).

³⁸ Lucian *Dial. Mort.* 11–15; Verg. *Aen.* 6.6.218–20; Juv. 3.171–2; Barrett (2008: 77); Edmondson (2008: 39). Blackman (1918: 117–24) and Bleeker (1966: 86–7) examine Egyptian mortuary practice, viewing the lustration of the corpse as part of a rite of transition, 'Three categories of people in particular are required to be pure: the king, the priests and the dead'. In terms of Roman practice, the physical purification was also an integral part of the corpse's journey towards acceptance into the *Di Manes*. Though more acceptable under the High Empire, the Egyptian practice of embalming was viewed with hostility under the Republic; Cic. *Tusc.* 1.45.108; Dio 50.24; Counts (1996: 189–202).

³⁹ Pers. *Sat.* 3.98–106; Burriss (1931: 72) sees this as a crucial factor in ensuring that the spirit could not return once it had been removed for its final journey to the cemetery. Cf. Corbeill (2004: 98).

⁴⁰ Serv. *Aen.* 5.64.

⁴¹ Ov. *Fast.* 2.23–6; Festus s.v. *Everriator*; Frazer (1929: II.279–83). Frazer notes the possibility that a religious officer performed the sweeping, since Ovid mentions the presence of a *lictor*.

⁴² August. *De civ. D.* 6.9; Burriss (1931: 57–8). Latte (1960: 101–2) viewed the role of the *everriator* as vital for maintaining the household's boundaries.

⁴³ Cic. *Leg.* 2.55–7; Festus s.v. *Praesentanea porca* and *Praecidanea porca*; Gell. *NA* 4.6.8; Sabbatucci (1957: 57–60); Latte (1960: 101–2); Toynbee (1971: 50–1); Deschamps (1995: 178–9); Spaeth (1996:

gravesite before the family's return to their home, is also indicative of a rite of intensification, renewing bonds of kinship after the disturbance of death.⁴⁴ Food and drink were also offered to the deceased and, as such, this food was not meant to be eaten by the living (although as Catullus suggests, such offerings would have been targeted by the homeless and starving).⁴⁵ On the return from the graveyard the family was once again purified in the ritual known as *suffitio*, in which relatives were required to touch fire and water.⁴⁶ Although uncertain, the identical requirement during weddings suggests that this might have been performed at the house threshold, before the total reintegration of the family into normal society. The repeated use of fire throughout Roman death rituals suggests it was more than a mere practical measure for night rituals, but was also a ceremonial requirement.⁴⁷

One final instruction was in place in cases of cremation, the rite of *os resectum*. This required relatives to sever a bone from the finger of the deceased, which was kept separate from the main funeral pyre and, according to ancient sources, was buried later. Cicero listed this as one of the key requirements for the correct completion of the funeral ceremony.⁴⁸ This curious practice has been a cause of significant debate in recent years, yet scholars generally agree that its role was, in some form, purificatory. For some time now it has been accepted that the custom of burial was in place before cremation was introduced, and that by keeping a portion of the body separate to undergo physical burial, *os resectum* ensured the traditional customs were observed, allaying fears of lingering death pollution. This idea has recently been explored by E.-J. Graham, who sees Varro's comment on the rite as central to correctly interpreting its ritual function: 'if a bone from the deceased has been removed for the cleansing (*purgandum*) of the *familia*, the *familia* remains *funesta*; in the latter case, until the bone is covered with soil in the cleansing'.⁴⁹ Much of Graham's theory centres around this statement, and she suggests that the finger bone was brought back from the grave and used in the rite of *suffitio*, being placed in the cleansing fire, which severed the final ties of the deceased to the realm of

53–6); Lindsay (1998: 73); Dowden (2000: 153). The *porca praecidaneae* ritual appears to have been optional, and Spaeth is cautious of accepting Latte's theory that the sacrifice was separate from the *novendialis* feast. Both Lindsay and Dowden consider the wider significance of pigs in the removal of death pollution.

⁴⁴ Dumézil (1970: 616–17); Dowden (2000: 264–5); Festus s.v. *Silicernium*.

⁴⁵ Tib. 1.5.53–4; Catull. 59.1–5; Lindsay (1998: 73); Hope (2007: 117).

⁴⁶ Festus s.v. *Aqua et Igne*. ⁴⁷ Mart. *Ep.* 8.43; Rose (1923: 191–4).

⁴⁸ Cic. *Leg.* 2.55; Varro, *Ling.* 5.23; Estiez (1995: 103–5).

⁴⁹ Varro, *Ling.* 5.23; Graham (2011: 91–109, at 100).

the living. In the same action it was used to purify the surviving family members who would step over the flames and smoke to be cleansed upon their re-entry into both the home, and 'normal' Roman society.⁵⁰ This had, in Graham's view, the added bonus of facilitating the processes of ancestral remembrance, creating a valuable physical link with the deceased at the moment of the family's progression. The theory is indeed tempting to follow, but there is some cause for uncertainty.

One obstacle is the emphasis on permanent separation of both body and spirit from the household, which was sought from the moment of death to the corpse's final removal to the graveyard.⁵¹ Every effort was made to prevent the spirit of the deceased returning, along with the pollution this entailed. The 'calling out' of the deceased's name, the carrying out ceremony and the sweeping of the threshold all indicate this. We must assume the removal of the body 'feet first' was specified because it held some ritual significance, and to prevent the spirit's return appears a logical conclusion, especially when combined with the 'sweeping out' of the spirit. Once both corpse and spirit were removed the pollution could finally be removed from the family. If the purification of the family through fire was carried out on the threshold, then to bring back a portion of the body to the house where it had once resided creates a problem. In such circumstances some trace of the spirit might cling to the house. Alternatively, if we suppose that the rite was conducted elsewhere, if the fire was intended to cleanse the surviving family members, the inclusion of the finger might well have been thought to taint the very element of their purification in the *suffitio*.⁵² No conclusions on the issue can be certain, and it is important to remember that, despite stern traditionalism in matters of ritual, Roman religion at times also demonstrated remarkable flexibility. If the severed bone was not viewed as polluting as a result of its role within the *suffitio*, or if the impurity was nullified by placing it within the fire, then Graham's hypothesis remains sound. While such a conclusion does not leave us with firm answers, it does demonstrate the problematic nature of our sources, and the danger of assuming too great a level of uniformity in Roman religion, both in terms of practice and perception. The rituals described by Varro, Cicero and other Republican authors, in particular, are likely to be far from an accurate reflection of death rituals amongst the lower classes in Rome. The extended lying-in-state

⁵⁰ Ibid. especially 100–2.

⁵¹ Allara (1995: 69–79, at 70) stresses the moment of 'definitive separation' at cremation or inhumation – the climax and completion of the preceding rituals.

⁵² On the tainting of fire by death, see Hdt. 3.16. Cf. Ov. *Fast.* 6.437–40; Noy (2000b: 30–45).

period is especially unlikely given the cramped living conditions within the city, as well as the overtly political motives for such displays of family wealth and power. Nor, in fact, would literary sources necessarily describe practices that were widespread amongst the elite, given Varro's focus as an antiquarian and Cicero's philosophical approach. At this stage it will suffice to note the emphasis placed on both ritual separation and removal following bereavement, as well as the emphasis on purification for surviving family members. Much of this initial examination has, out of necessity, been a narrative of fundamental principles and practices surrounding death. From here, however, we may progress to a topic which may offer greater insights into the evidence examined so far, that is, the perception of those responsible for the treatment and disposal of corpses across Italy and within the city of Rome itself.

The business of death

If death resulted in the pollution of immediate family members, as well as those who came into contact either with the *funesta casa* or the corpse itself, then an area of particular importance in the study of pollution must be the physical, social, and religious status of those groups permanently tasked with dealing with death, whether through the preparation of funerals and removal of corpses from the city, or those paid to bring death to others. Such categories cover a wide range of occupations, some of which also contained various substrata depending on the precise role an individual played. These range from the undertakers, funeral directors and professional mourners who worked day to day within the city, to the more seriously excluded professions, such as the executioner, gladiator and those others who were made to appear in the arena. This section will deal with some of these issues, which may help to demonstrate the more general attitudes towards death and the corpse, beyond the elaborate funerary displays of the aristocracy. We must begin, however, by considering what facilities were in place to deal with the urban dead, and whether religious concerns were a factor in what was otherwise considered a secular necessity.

In a city where conservative estimates suggest approximately thirty thousand people died each year, it must be assumed that a system was in place to deal effectively with the disposal of corpses.⁵³ This appears to have originally involved the use of mass-grave pits, which Varro tells us were located outside the Esquiline Hill, and named *puticuli*, from *putescere* – to

⁵³ Bodel (2000: 126–34).

rot.⁵⁴ Such pits may have been open for months at a time, used for the dumping of both bodies and more general refuse. This practice was eventually ended by Maecenas' construction of his lavish gardens on the former 'potter's field', immortalised in Horace's *Satires*, in which a statue of Priapus recalls how the site used to be the dumping ground for the whole city 'where lately sad folk looked upon a hideous field of white bones'.⁵⁵ Bodel suggests Maecenas' covering of the pits coincided with a senatorial decree also prohibiting the burning of corpses within two miles of the city and marked a turning point in Roman culture, as mass cremation became the preferred method of disposal for the unclaimed dead.⁵⁶ Most striking for Bodel was the lack of concern voiced about such changes from a religious point of view, and in considering the site of the *puticuli* he asserts that 'there is no sign in any of this of a Roman concern with religious pollution'.⁵⁷ In opposition to this view, when considering the law of the Twelve Tables forbidding burials within the *pomerium*, Kyle states that the ban 'probably arose more from Roman religious concerns about pollution within the city's sacred boundaries than from pragmatic concerns about unhygienic contamination and disease'.⁵⁸ These statements represent two extremes of opinion which must be evaluated through examination of the various source materials, and which may indicate gradual changes in attitude over time.

We begin with the most widely attested urban centre for dealing with the various physical and religious issues posed by death – the grove of Libitina, a goddess closely associated with the dead, although she does not appear to have been worshipped directly.⁵⁹ Located outside the city, it lay conveniently near to the Esquiline gate that led to the *puticuli*.⁶⁰ The site served as a base for undertakers (*libitinarii*), as well as the selling or hiring of various other instruments necessary for funerals. Their primacy in corpse disposal is assumed across sources, with 'escaping Libitina' becoming a catchphrase for narrowly avoiding death.⁶¹ Following two instances of plague in the Republic, Julius Obsequens speaks of Libitina being

⁵⁴ Varro, *Ling.* 5.25. Cf. Plaut. *Cas.* 354; Hor. *Sat.* 1.8.8–16; Allara (1995: 76–7).

⁵⁵ Hor. *Sat.* 1.8.15–16 (*quo modo tristes albis informem spectabant ossibus agrum*).

⁵⁶ Bodel (2000: 133–4). Cf. Dio 48.43.3; Häuber (1996: III.70–4); Hope (2009: 157–9). On the various social and religious issues of burial and cremation, see de Visscher (1963: 17–42).

⁵⁷ Bodel (2000: 134). ⁵⁸ Kyle (1998: 129).

⁵⁹ On the location, origin and functions of Libitina, see especially Bodel (1994: 1–133). Also Picard (1939: 121–35); Thaniel (1973a: 46–9); Freyburger (1995: 213–22); Scheid (2004: 13–20); Rüpke (2007a: 231–5).

⁶⁰ Varro, *Ling.* 6.47; Dion. Hal. *Ant. Rom.* 4.15.5; Plut. *Quaest. Rom.* 23; Tac. *Ann.* 2.32.3.

⁶¹ Hor. *Carm.* 3.30.7; Juv. 12.122–3.

overwhelmed (*pestilentiae Libitina non suffecit*) by the number of corpses, the result being that many were left to rot in the street.⁶²

Despite the essential public service they provided, undertakers were always an unwelcome sight. Permanently under the shadow of death, their profession was marked out by their clothing, as were the rest of their retinue.⁶³ These could include a variety of workers, each with specific roles to play in the funerary process. There were the *pollinctores* who were originally used to apply powder to the deceased's face to conceal discoloration.⁶⁴ The *vespillones* were carriers, whose name suggests they operated primarily at night, out of public sight when possible, except in cases of aristocrats, for whom ostentatious display, even in death, was expected.⁶⁵ For burials there were *fossore*s to dig, while for cremations, the *ustores* were employed as burners of corpses.⁶⁶ Even though cremators had less direct contact, nevertheless they were similarly branded as unclean, and Lucan prayed that Pompey's corpse would not lack a pyre and *sordidus ustor* (unclean kindler).⁶⁷ Finally there were the *praeficae*, professional female mourners from Libitina, who we are told stood publicly lamenting before the deceased's house, once again announcing the bereavement to the wider community.⁶⁸

Our understanding of the social and religious status of those who earned their livings from death has been significantly increased by the law code found in Puteoli, which details the rules and restrictions placed upon funerary workers, including their agreement to perform public or private punishments if so required. The numerous details provided by the law have been taken by Rüpke to represent a working template for the rest of Italy, and a simpler version of laws in place at Rome itself.⁶⁹

⁶² Obsequens, 6, 10. Also Suet. *Ner.* 39. For comparable practices amongst specialist death-workers in Cantonese society, see Watson (1982: 157).

⁶³ Hor. *Sat.* 1.7.6; Toynbee (1971: 45); Hope (2007: 90–2). Horace speaks of the *designator*, accompanied by his black-dressed attendants (*lictors*). The use of the term *lictor* supports Frazer's suggestion that the 'sweeping-out' ceremony could be performed by a religious official, instead of a family member; Frazer (1929: II.279–83).

⁶⁴ Plaut. *Poen.* 62; Mart. *Ep.* 10.97.

⁶⁵ Mart. *Ep.* 1.47.1–2; Suet. *Dom.* 17 notes that Domitian's corpse was carried on a bier for the poor.

⁶⁶ Cat. 59.5; Mart. *Ep.* 3.93 draws ironic comparisons with the marriage torch.

⁶⁷ Luc. 8.738. That an unclean man is required to perform the task implies that all such men were thought of as 'unclean', but also necessary. As a result, the use of a *sordidus ustor* would not be derogatory towards Pompey.

⁶⁸ Varro, *Ling.* 7.70. Cf. Lucil. *Fragments* 995–6.

⁶⁹ Rüpke (2007a: 232); Dumont (1995: 182); Lovisi (2003: 57–68). Bodel (2000: 142–3) warns against assuming too great a uniformity between cities. For example, Mart. *Ep.* 8.75.9 describes tattooed *inscripti* carrying a corpse, while in Puteoli the inscription suggests this would have been forbidden.

If anyone disposes of a corpse without burial, he shall be required to pay sixty sesterces per corpse. . . . The slave workers must be engaged before the start of the contract. They may not remain, or wash, in the building where the 'grove of Libitina' is situated after the first hour of the night. They may not enter the city except to pick up a corpse for burial, or to inflict a punishment. On these occasions, whether *en route* or in the city, they are required to wear a coloured hat. They are to be aged between twenty and fifty years of age. None of them may have sores, be one-eyed, mutilated, lame, blind, or bear tattoos inflicted as a punishment. The contractor shall retain a minimum staff of thirty-two.

If a private client wishes on his own account to inflict physical punishment on a slave, male or female, the contractor shall carry out the punishment according to the manner requested by the client who has ordered the punishment; if he wishes an execution by the 'cross and fork', it shall be the responsibility of the contractor to provide the pole, the cross-bars, the lashings, and the whips for the men who carry out the whipping. . . . If he is ordered to remove the victim with the hook, his men, dressed in red, must remove the corpse to where they are piled, ringing a bell while they do so.

When a client wishes to make use of the services required in each circumstance under this regulation, he must notify, or cause to be notified, the contractor of the service or his associate or the person responsible for the relevant department . . .

Once this notification has duly taken place, the contractor, or his associate, or the person responsible for that department, shall be obliged to furnish the client . . . with all requisite services, and then all the others in the order of their notification, unless the notification concerns the funeral of a Decurion, or of a young person (*funus acervum*), who must be given priority. In such cases, the order of the other notifications must be respected.

In cases of a reported suicide by hanging, the contractor must at once see to the body being cut down and removed; in the case of a slave, male or female, if the message comes before the tenth hour of the day, the body is to be removed the same day, if later, before the second hour of the following day . . . ⁷⁰

⁷⁰ *Lex Libitinae Puteolana* cols. I.32–2.23 (trans. Rüpke (2007a: 232–3, adapted); Bove (1967: 22–48, especially 28–32); Gardner and Wiedemann (1991: 24–6); Bodel (1994: 72–80); Hinard (1995: 205–12); Hinard and Dumont (2003: 97–139). Bove understands *funus acervum* to mean 'acervum', i.e. an unfortunate death, probably a child (*decesso immaturo*). Gardner and Wiedemann question why such a death would receive special treatment. As we have seen, however, the death of a child was a ritually exceptional event, which did not necessarily result in the pollution of a household. As a result a speedy removal may have been desirable. Alternatively, as the name suggests, the nature of the bereavement may have been thought sufficient to warrant preferential treatment; cf. Boyancé (1952: 275–89); Dolansky (2011: 125, 130).

The first point to note is that, as with laws regarding murder, pollution receives no direct mention in the official records. The issue of body dumping is here reduced to a public nuisance, punishable by a simple fine.⁷¹ In this case, however, a number of legal requirements indicate that pollution was considered a factor, and the language applied to the undertakers fits into a wider social context beyond that reflected in the law. If an unburied corpse was really nothing more than an unpleasant nuisance, there would be no sense in Horace's poem about the unburied corpse. As with Euripides' Iphigeneia leading Orestes through the streets, the ringing of a bell warns the populace of the imminent presence of pollution.

Although they held a monopoly over funerary business, undertakers were physically excluded from society, required (like the corpses they handled), to reside beyond the boundaries of the city.⁷² They were made to wash separately and enter the city only on official business, during which times they had to be clearly marked by their clothing. It is also important to note that, as well as being employed for corpse disposal, the undertakers could also be expected to act as torturers and executioners, although this was not uniform across Italy.⁷³ The insistence on death-workers bathing separately is particularly interesting. Such men, who needed cleansing the most, may have been thought more damaging to the cleansing waters, recalling Martial's insulting poems to 'unclean' citizens, who would surely corrupt their bathwater by their moral and physical impurity.⁷⁴ Alternatively, their status may have made them unwelcome at the baths, which were centres of social activity, in the same way that undertakers and executioners appear to have been unwelcome at other social occasions such as banquets.⁷⁵

Despite the dangerous aura that surrounded undertakers, the law codes from Puteoli insist on a degree of physical integrity from its workers. The list of physical disqualifications is reminiscent of Gellius' list of requirements for prospective priests or Vestal Virgins, who had to display the

⁷¹ Scheid (1981: 136–7) notes that the issue of unlawful burial could be more complicated due to the violation of public and religious laws which required the punishment of the culprit (e.g. with a monetary fine), the removal of the tomb by town officials, and the performance of expiatory rites to atone for the accidental pollution (*souillure*). Thomas (2004: 60–2) suggests that the expiation was required because the act of removal involved the destruction of a *locus religiosus*, and not because of the pollution caused by the corpse itself. Cf. *Lex Coloniae Genetivae Iuliae*, 73; Tromp (1921: 83); Scheid (1999: 331–2).

⁷² Patterson (2000: 85–103, especially 90–5). For comparisons with grave-workers forced to live beyond the boundaries of towns in Roman Egypt, see Derda (1991: 19–21, 28–31, 34–6).

⁷³ Suet. *Claud.* 34.1; Vell. Pat. 2.19.2–3; Sen. *Contr.* 9.2.3; Plut. *Mar.* 39; Bodel (2004: 147–8). For the literary combination of the two groups, see Mart. *Ep.* 2.61; Juv. 8.175–6.

⁷⁴ Mart. *Ep.* 2.42, 11.95.

⁷⁵ Petron. *Sat.* 38; Sen. *Contr.* 9.2.22 (*vive sine metrice, cena sine carnifice*).

required bodily purity. This may have stemmed from nothing more than a practical desire on the part of Puteoli to avoid employing socially disreputable or physically deformed workers (an option less applicable in the vast urban metropolis of Rome).⁷⁶ But while prohibition of tattooing may be attributed to slaves, physical deformities cannot. Once again, a practical solution appears more likely – that in a large town, with a staff as small as thirty-two men, the workers needed to be fit enough to carry out their duties free from unnecessary hindrances.

However, no practical explanation can easily explain the forced wearing of strikingly coloured clothing, such as the hat, or the red garments (*russati*), which must be worn while removing victims with ‘the hook’. The use of vivid red colours, as opposed to the usual dark undertaker’s robes must be linked to their function as torturers or executioners in such cases. The red imagery is striking. The connection of red as a symbol for both bloodshed and pollution (in terms of Greek *miasma*) has been detailed extensively by Wunderlich,⁷⁷ while a scholion on the *Aeneid* suggests that Roman soldiers were called ‘red-ones’ (*russati*), because red was deliberately used to mask blood stains (*aspersiones sanguinis*).⁷⁸ Combined with the ringing of the bell, these also served as a clear warning to priests and other groups threatened in some way by the presence of a corpse.⁷⁹ It may also have warned people of the pollution attached to the perpetrators themselves, even when sanctioned and paid by the state.

In this case the argument for a purely practical approach to removal is also undermined by some of the legal exceptions. The process appears to have been first come, first served in normal circumstances (except for slaves, who could be made to wait), but exceptions were made for town officials, children, and those who had committed suicide by hanging. The reference to *suspendium* in the law code demonstrates that this was not a sweeping rule concerning all suicide, so why were hanged suicides felt to

⁷⁶ Jones (1987: 139–55). Bodel (1994: 74–5) also notes that the inscription is dated no later than the Julio-Claudian era, potentially explaining Martial’s conflicting (poetic) description of tattooed corpse bearers as a later development, comparable with the gradual acceptance of hermaphrodites as entertaining, as opposed to portentous, by the time of Pliny; Plin. *HN* 11.261–2; Gell. *NA* 9.4.

⁷⁷ Wunderlich (1925: 1–69).

⁷⁸ Thilo and Hagen (1884: 172–3). Cf. Val. Max. 2.6.2; Isid. *Etyim.* 19.22.10.

⁷⁹ Bodel (2000: 147) suggests a change of attitudes over time, since the bell could also announce the punishment, which became a form of public spectacle (e.g. Juv. *Sat.* 10.66–7). This may have been an alternative interpretation from the beginning, serving as an advertisement to the general public while simultaneously warning those susceptible to the dangers of pollution, such as those priests who either could not look upon a corpse, or who might be obliged to show mercy to suppliants, as in the case of the Vestals; Plut. *Num.* 10; Rose (1924: 109). Plutarch stresses the need for the meeting to have been accidental and unavoidable.

require immediate removal? Attitudes to hanging are examined in detail by van Hooff, who notes that in the Roman world the general attitude suggests 'an outspoken disgust'. When Horatius Balbus created a public cemetery it was strictly prohibited to those who had hanged themselves.⁸⁰ If we are to believe Servius, the *libri pontificales* ordered that any suicide by hanging be cast out (*abiceretur*) without proper burial.⁸¹ Hanging represented a shameful form of death, unlike the stoic bravery of citizens like Cato the Younger, whose suicide by the sword was viewed as admirable by later writers. Hanging is described as a foul (*foeda*) death in the case of Quintus Fulvius Flaccus, who removed slabs of marble from the temple of Juno Lacinia for his own building project and was later driven mad by the death of his son, whereupon the senate corrected his *impius* actions and returned the marble to its rightful place, again underlining a link between impious action and pollution, in this case reflected by the manner of Flaccus' death.⁸² If this form of death was viewed as particularly foul, it helps to explain why undertakers were expected to deal with the problem immediately.

Such prolonged exposure to the pollution of death was clearly a factor in the public perception of the *sordidus* undertaker. Some have taken this argument further, however, suggesting that the chief cause of public hostility towards death-workers was because they sought profit from the misery of others, and were willing to expose themselves to constant contact with impurity in the process.⁸³ This is implied by Horace, who describes autumn's grave weather as 'the profit of bitter Libitina',⁸⁴ and Valerius Maximus, who appears surprised at the undertakers' offers to bury the consuls Hirtius and Pansa free of charge, as 'those who live for nothing but profit scorned it'.⁸⁵ However, it must be stressed that despite this typically negative view of 'performing for pay what was regarded as a natural obligation of humanity', undertakers were not permanently branded as impure for their actions, but only as long as they continued to practise the

⁸⁰ *CIL* II.6528; Van Hooff (1990: 64–72 at 66). The author draws particular attention to established Greek heroines who committed suicide by hanging, but whose actions were reworked by Seneca, dying instead by the sword.

⁸¹ *Serv. Aen.* 12.603 (*cautum fuerat in pontificalibus libris ut qui laqueo vitiam finisset, insepultus abiceretur*); Kyle (1998: 146, fn. 33). Voisin (1979: 422–50, especially 428–33) suggests that this rule was the result of the deceased being detached from the earth at the moment of death. Hinard and Dumont (2003: 130–1) show a degree of scepticism towards Voisin's conclusions, but acknowledge that the law code from Puteoli does imply a level of contamination, explaining why the undertakers were required to remove the body speedily.

⁸² *Liv.* 42.28.10; *Val. Max.* 1.1.20; Mueller (2002: 35–9). ⁸³ Gardner (1993: 130–4).

⁸⁴ *Hor. Sat.* 2.6.18–19 (... *autumnusque gravis, Libitinae quaestus acerbae*).

⁸⁵ *Val. Max.* 5.2.10. Also *Suet. Ner.* 39.1.

profession (unlike prostitutes, actors and gladiators, who were permanently shamed with *infamia*).⁸⁶ Just as with the *funesta familia*, the pollution of death faded with time and expiation, though while men were engaged in undertaking or corpse bearing, their continuing contact with both the physical and metaphysical pollution of death meant that they remained socially ostracised.⁸⁷

While the role and person of the undertaker were often viewed as ambiguous due to the crucial yet unpleasant service they provided, no such ambiguity existed for those fulfilling the role of the feared and despised executioner.⁸⁸ The notion of pollution is understandably complex with regard to state-sanctioned capital punishment. As Rüpke has observed, methods of execution went in and out of fashion throughout the Republican period, yet the practice maintained a place in Roman society.⁸⁹ Like corpse handlers, executioners had to live outside the city, yet close enough to be called in quickly.⁹⁰ Places associated with execution carried with them notoriety and ideas of impurity, most notably the Tullianum which, despite being within the *pomerium*, was still geographically 'removed' from society, located underground – a foul (*foedus*) place from which there could be no return for the condemned, but which was traversed frequently by executioners.⁹¹ Similarly, unchaste Vestals were led to their deaths on the *campus Sceleratus*, the name of which clearly illustrates the religious implications attached to both the crime and the punishment.⁹²

Like the undertaker, the executioner worked for profit, but with the added dimension of responsibility for those corpses he created in his role as *carnifex* (meat-maker).⁹³ Bodel places emphasis on the fact that the executioner necessarily came into contact with those who had been cast out of the community, and therefore 'he was inevitably infected with the pollution of his victim, and therefore, like the victim, had to be shunned'.⁹⁴ Furthermore, those who were deemed fit to die by the hand of the executioner were typically from the lowest social strata, such as slaves or

⁸⁶ Bodel (2000: 141); McGinn (1998: 32–9). On the status of *infames*, see Edwards (1997: 66–90).

⁸⁷ Petr. Sat. 38.14 implies that *ex-libitinarii* could still face discrimination, although no comment is made as to their purity status.

⁸⁸ Bodel (2000: 144–8); Curt. Alex. 8.2.2.

⁸⁹ Rüpke (1992: 58–79) stresses that executions, like burials, involved a number of public signals, such as a fanfare. While this drew attention to the act, it also served once again as a public warning.

⁹⁰ Plaut. Pseud. 331–2.

⁹¹ Sall. Cat. 55.3–4; Prieur (1986: 40–2); Peters (1995: 17–9). Cf. Dion. Hal. Ant. Rom. 31.9.

⁹² Liv. 8.15; Dion. Hal. Ant. Rom. 2.67; Plut. Num. 10; Festus s.v. *Sceleratus campus*; Serv. Aen. 11.206. Hinard (1987: 111–25) argues that the place of execution was ritually determined by the nature of the offence committed, although see Kyle (1998: 60).

⁹³ Isid. Etym. 10.49 (*carnifex, quod carnem afficiat*). ⁹⁴ Bodel (2000: 144–5).

foreigners, although they could be employed against those aristocrats who refused the more honourable options of suicide or exile.⁹⁵ This explanation may overstate the role of the victim's crime as a source of impurity, however, against the equally pollutive action required from the executioner, and the space in which he performed his duties. This is suggested by the frequent focus on the executioner's hands. Calpurnius Flaccus envisioned a son pleading to his father to escape the *vilis manus* (mean hand) of the *carnifex*,⁹⁶ and Pliny the Younger writes that when the condemned chief Vestal Cornelia was taken to her place of interment, her dress snagged, and when the executioner offered his hand 'she drew away in disgust and thrust his foul touch (*foedum contactum*) from her chaste (*castus*) and pure (*pura*) body as if by a last act of chastity'.⁹⁷ The hands of the *carnifex* were the instruments of justice, but as we have seen in the rhetoric and literature surrounding bloodshed, they might also be the instruments through which pollution was incurred and transmitted.⁹⁸

The infectious danger of the executioner was utilised in Cicero's defence of C. Rabirius, as he states his intention to prevent the meeting from being tainted with death-pollution (*funestari*) by the impurity of the executioner (*contagio carnificis*).⁹⁹ Cicero goes on to describe the meeting place, the *campus* and the Roman people, as *castus*, *sanctus*, and *inviolatus*, the implication being that these states will be damaged by the use of the executioner (both through his contaminative presence and the unjust nature of the punishment itself). He later suggests the executioner and his tools should be kept not only from the persons of Roman citizens, but also from their thoughts, eyes and ears.¹⁰⁰ By contrast, Cicero portrays himself as one seeking to 'expiate' the forum from 'those vestiges of unspeakable wickedness' (*qui expiandum forum populi Romani ab illis nefarii sceleris vestigiis esse dico*). The use of the term *funestare* at the start of this section leaves no doubt of the source of the executioner's pollution. While other words for impurity are non-specific and must be interpreted through their contextual use, *funestus* appears primarily as the pollution caused by death, which also supports Bodel's theory that the restrictions on bathing and dress for death-workers paralleled restrictions for those who were in mourning.¹⁰¹

Despite the public distaste for the executioner himself, the emergence of capital punishment as a major form of public spectacle illustrates that

⁹⁵ Rüpke (1992: 64); Kyle (1998: 91).

⁹⁶ Calpurnius Flaccus *Declamations* 24. ⁹⁷ Plin. *Ep.* 4.11.9.

⁹⁸ Cic. *Verr.* 2.5.113; Sen. *Contr.* 1.3.1, 2.3.19; Ov. *Ib.* 165; Val. Max. 6.9.13, 7.2 ext.1, 9.1.1; Plin. *Ep.* 4.11.9; Apul. *Met.* 9.1.1.

⁹⁹ Cic. *Rab. Perd.* 11. ¹⁰⁰ Ibid. 16. ¹⁰¹ Bodel (2000: 146).

widespread fear is not to be assumed for Roman society as a whole. Critics of execution as *spectacula*, such as Seneca, were clearly in the minority.¹⁰² Capital punishment was thought to perform a vital social service, providing unconcealed displays of public vengeance, but as Kyle has noted, at the same time society was 'trying to cleanse itself of criminal and blasphemous miasma'.¹⁰³ We can, of course, appreciate the loaded nature of such terms in this context, yet they mirror the sentiments of Gernet, who states that 'the death penalty is a means of eliminating pollution . . . It purifies the affected group, who are often partly or wholly absolved of responsibility for the newly spilt blood'.¹⁰⁴ This is most easily achieved in those cases where the victim is designated a *homo sacer*, which removes all culpability from his murder. In more typical cases, the executioner did not have such religious sanction. Nevertheless, the event was highly regulated, in terms of both time and place. No executions were performed during religious festivals, and when they were performed the executioner was given the instruction to act in accordance with the law (*age lege*), publicly emphasising the legality of his action.¹⁰⁵ He willingly took on the responsibility, which, combined with his use of death as a means of profit, meant he became as polluted as those he was required to deal with, and as a result was removed from the social spaces whenever possible.

These points raise important questions about the social perceptions of capital punishment, as well as the ritual status and treatment of the condemned. Our investigation must therefore proceed more directly from the executioner to those members of the lowest orders subjected to public punishment and display. Over time such victims became part of a wider form of public entertainment within the arena, and entered the same state as those most loathed and celebrated figures in Roman society, gladiators.

Gladiators and the condemned

Like those who hanged themselves, the gladiator could be (but was not always) excluded from burial in public cemeteries, such as the one bequeathed by Horatius Balbus.¹⁰⁶ Unlike others, however, gladiators lived an ambiguous life of simultaneous popularity and disapproval. They profited from death and were stained with the blood of their fellow *infames*,

¹⁰² Sen. *Ep.* 7.3–5. ¹⁰³ Kyle (1998: 102); Rüpke (1992: 63).

¹⁰⁴ Gernet (1968: 326–7, cited in Girard (1977: 298).

¹⁰⁵ Sen. *Contr.* 5.4, 9.2.22. Cf. 9.2.12, 14; Suet. *Tib.* 61; Prieur (1986: 43–5). On the formula of condemnation, see Liv. 1.26.6; Ogilvie (1965: 115–16).

¹⁰⁶ Such regulations were not universal, and many tombs and epitaphs survive recording the lives and exploits of gladiators; cf. *CIL* 6.10197 discussed by Hope (2007: 30).

but through displays that in a sense appealed to traditional martial virtues, combined with a heavy dose of the theatrical, they could be idolised by the adoring crowds.¹⁰⁷ Quintilian argued that fighting was not disgusting (*turpis*) in and of itself, only dishonourable fighting, such as gladiatorial combat.¹⁰⁸ Class appears to have been a major factor, with senators and equestrians being severely discouraged from fighting in the arena (although not always successfully).¹⁰⁹ Juvenal depicted an aristocrat fighting with a net and trident in the arena, and asks what his ancestors would say if confronted with such a sight in Hades: 'They would be eager to be purified (*lustrari*), if only sulphur and torches and damp laurels could be found'.¹¹⁰ An edict issued by Marcus Aurelius and Commodus, which separated profits from the arena from the Imperial finances, stated 'All the money of these emperors is pure (*pura*), not polluted (*contaminata*) by the sprinkling of human blood (*cruor*), not soiled (*foedus*) with the filth of sordid (*sordidus*) gains'.¹¹¹ From this we see that the social stigma to which the gladiator was subject was partly based on, or at least expressed in terms of, both physical and religious pollution. The issue of profit also appears to have contributed to the stigma attached to the gladiators, who performed a manual task, which like the executioner, meant that they willingly polluted themselves for financial gain.

But why was such extensive impurity and degradation permitted to take place in Roman society, and even within the bounds of the *pomerium*? Roman observers were well aware of the positive aspects of martial skill and bravery contained within gladiatorial combat, but this does not mean that Roman society was willing to permit such widespread and varied forms of bloodshed without reservation. We have already seen how rituals were designed to separate the bloodshed of war from everyday life, and Hopkins suggests a similar form of artificial boundary was imposed around the arena, with acts of war and conflict being safely contained within the 'domesticated battlefield of the amphitheatre'.¹¹² Further comparison with the military is highlighted by Barton, who viewed the gladiators' oath to be 'burned by fire, bound in chains, to be beaten, to die by the sword' as a form

¹⁰⁷ Hopkins (1983: 23). Cf. Ville (1981: 344); Aigner (1988: 201–20) considers the divided social status of the gladiators and comparisons with the public executioner.

¹⁰⁸ Quint. *Decl. Min.* 302.

¹⁰⁹ Cicero frequently used *gladiator* as a term of abuse against Antony; Cic. *Phil.* 2.7, 63, 3.18, 5.10, 32 (*sceleratus gladiator*).

¹¹⁰ Juv. 2.157–8.

¹¹¹ Oliver and Palmer (1955: 330, 340) (*omnis pecunia horum principum <p>ura est, null[a] cruoris humani adspergine contaminata, nullis sordibus foedi quae[s]*). Vespasian, however, appears to have had no such qualms about 'impure' sources of income; Suet. *Vesp.* 23.3.

¹¹² Hopkins (1983: 2, 29).

of *devotio*, resulting in the 'sacralisation' of gladiators, helping to remove all feeling of culpability from their deaths.¹¹³ Such oaths also cemented their position amongst the lowest in society.¹¹⁴ In the case of execution spectacles, which occurred within the same spaces, Kyle suggests that Roman society had to convince itself that the deaths were both justified and necessary. The city purged itself of the *noxii* and *damnati* whose pollution could not be risked on the state or its sanctuaries, while reaffirming its martial and cultural dominance over those prisoners who were captives from foreign war.¹¹⁵ Like executioners working within the Tullianum, gladiators and condemned prisoners belonged in this space, which was both polluted and polluting. It was meant for the lowest of the low. As such, under the Empire, it became an ideal means of demonising unpopular emperors, most notably Commodus.¹¹⁶

One key aspect of the gladiatorial games, which may have stronger ties to ritual pollution, was the use of hooks in the disposal of the slain. We have already seen the use of hooks in the removal of corpses in the tablets from Puteoli, which ordered men disposing of corpses by such means to dress in bright clothes, and ring a bell as they went. These corpses were singled out for particular public spectacle and hatred, and this, too, became a method of punishing tyrannical emperors *post mortem*.¹¹⁷ The *Historia Augusta* described the senate repeatedly calling for this punishment to be inflicted upon the body of Commodus, crying 'let him be dragged with the hook' (*unco trahatur*) sixteen times in a single, brief chapter.¹¹⁸ The use of the hook served primarily as a further form of corpse abuse; just as the *carnifex* was the 'meat-maker', so the corpses were treated as nothing more than meat. It is possible, however, that the hook combined the typical acts of corpse abuse with an open display of avoidance. Kyle notes that this was reserved for the especially hated or dangerous members of society, and that 'when hooks . . . are mentioned, dumping in the Tiber can be assumed'.¹¹⁹ Such scenarios are reminiscent of the disposal of parricides, which also required the careful avoiding of contact by the use of the sack, and once again made use of the Tiber in carrying away the pollutive traces of the corpse.

¹¹³ Barton (1994: 51–2). Petr. *Sat.* 117.5–6; Sen. *Ep.* 4.37.1; Hor. *Sat.* 2.7.58–9; Hopkins (1983: 24); Kyle (1998: 87).

¹¹⁴ Saller (1994: 134–42) discusses the uses of corporal punishment in Roman society, and the importance of class in distinguishing who could/should be subjected to physical punishments.

¹¹⁵ Kyle (1998: 13). ¹¹⁶ SHA, *Comm.* 1.7–8, 5.5, 11.10.

¹¹⁷ Suet. *Vit.* 17.1; *Tib.* 47.1, 54.2; SHA, *Heliog.* 17.1–3; Kyle (1998: 222–3).

¹¹⁸ SHA, *Comm.* 19. Commodus is also referred to as *impurus*, *carnifex* and *gladiator* within the passage.

¹¹⁹ Kyle (1998: 170, 219); Prieur (1986: 43–4).

However, the use of the Tiber was likely to have been an exceptional and symbolic punishment, with the mass-graves beyond the city limits offering a more practical and mundane form of disposal. The most reviled classes of Roman society could therefore be disposed of in ways that ensured minimal contact and sent their corpses ‘outside’, beyond the boundaries of the community. In the case of gladiators, who could potentially be given decent burials, there was the possibility of exclusion from certain graveyards, such as the grounds dedicated by Horatius Balbus, but as more ambivalent figures they could be incorporated into public spaces, sometimes prominently, and their displays in the arena were a frequent artistic motif.¹²⁰

So far this chapter has dealt with various immediate issues of pollution surrounding death, whether within the respectable religious actions of law-abiding families, or in the sordid businesses of corpse removal, execution and combat/punishment as entertainment. All were concerned, in some form or other, with the separation of death from everyday space, along with the safe removal of the corpse, to a place from which it could do no harm – its correct place. For the condemned, the exact location was irrelevant, provided it was beyond the reaches of society. Disposal via the Tiber or the Cloaca Maxima removed the unworthy from place and memory. Yet in the case of traditional burials, the funeral was not the end. As Hopkins observed, ‘burial did away with the corpse, but not with the dead’, and we must now turn to those rites performed each year in honour, propitiation, or placation of the spirits of the dead.¹²¹

Death and the *fasti*

The immediate pollution of death was dealt with through the removal and subsequent burial of the corpse, combined with the eventual completion of the mourning period. But Rome was a city founded on tradition and remembrance. At certain points in the year there were elaborate rites connected with the spirits of the dead, whether they were benevolent ancestral spirits who guarded the household, or malevolent, restless ghosts seeking to harm the living. The two most crucial periods of public ritual occurred during the months of February and May, and the circumstances around each of these must be considered in detail in order to complete our picture of Roman death-rituals and the extent to which religious pollution and purification played a part in them. We shall begin with the month of February.

¹²⁰ Voisin (1987: 259–62); Kyle (1998: 161); Edwards (2007: 107–8).

¹²¹ Hopkins (1983: 233).

According to Roman tradition, February had originally been the final month of the old year, and had been consecrated to the shades of the dead.¹²² As such, along with various acts of respect and propitiation, it also contained numerous forms of purification, not only to protect the living members of the household during the festivals when the threat from the spirits was greatest, but also to banish them once again at the conclusion of the celebrations. Festus described it as the final month of the year, in which various acts of purification were performed.¹²³ His language is emphatic, emphasising the role of purification during this period, and these mass acts of lustration ensured that the new year began with all due purity. That purification was the primary aim of the February festivals is further revealed in the aetiology of the month's name. Both Ovid and Varro believed it to derive from *februum*, from the Sabine word for 'purification' (Varro uses *purgamentum*, while Ovid chooses *piamen*, though both have connections with purification).¹²⁴ Among those items listed by Ovid as *februa* are: cloths of wool offered by the *rex sacrorum* or the *flamen Dialis* to the pontiffs; the crumbs of spelt that were ritually sprinkled and then swept from the threshold of the *funesta* household; any cutting from a 'pure tree' (*arbor pura*) worn by a Roman priest, or pine when used by the wife of the *flamen Dialis*. Each of these played a role in the rites which were performed throughout the month of February, each with the aim of removing either the spirits themselves or the stain they left upon the city.

The crucial days of ancestor worship were collectively called the Parentalia, and took place from the sixth hour of 13th February until the 21st on the Feralia.¹²⁵ During this period Ovid suggests all young girls wishing to marry should wait until the 'pure days' (*dies puri*), and that the gods should be shielded (*celare*) by the closing of all temple doors, and the removal of all sacrificial fires from their altars and hearths, because the shades of the dead roamed the streets.¹²⁶ The first stipulation regarding weddings is understandable given the lengths to which Romans went to ensure good omens and ritual purity during the bride's period of transition between homes. Contact of any sort with death could be particularly

¹²² Ov. *Fast.* 2.47–52; Plut. *Quaest. Rom.* 34; Rose (1924: 184–5).

¹²³ Festus s.v. *Februarius* (... *id est extremo mense anni, populus februaretur, id est lustraretur ac purgaretur*).

¹²⁴ Varro, *Ling.* 6.13; Ov. *Fast.* 2.19–36; Scullard (1981: 69–70); Köves-Zulauf (1990: 281–2).

¹²⁵ Ov. *Fast.* 2.569; Lydus *Mens.* 4.24. Lydus suggests the Parentalia ended on the 22nd with the Caristia, and the issue remains unsettled. Since the Feralia appears to have concluded the obligations to the dead, it is generally assumed the more probable date; Burris (1931: 129); Bailey (1932: 99); Latte (1960: 98); Toynbee (1971: 63); Hope (2009: 100–2); Dolansky (2011: 125–57).

¹²⁶ Ov. *Fast.* 2.557–566; Frazer (1929: II.438–9).

damaging, especially with regard to the fertility of the bride, which we have already seen in the death-based pollution caused by menstrual blood, whether against crops, animals which have consumed it, or even pregnant women who come into the slightest contact with it.¹²⁷ Similarly, Seneca imagined a man, carried from the graves of his sons and forced to cut his hair and change his clothes, complaining bitterly at his treatment, stating of the graveyard 'this is where I must live, so that I do not bring misfortune (*dirum omen*) to any thinking of marriage or children'.¹²⁸ McDonough attaches significance to a remark by Cicero to his brother Quintus, that he would attend the wedding of his friend Atticus on the day before the Ides of February (i.e. the 12th), thus narrowly completing the engagement before the start of the *dies religiosi*.¹²⁹

The stipulation that the gods should also be to some degree protected from the wandering spirits is more curious. Should it be understood from this that the gods were in danger from this proximity to death, a danger that could be warded off only by the securing of their thresholds? It is unlikely. More probably, this was another example of the marked separation of human mortality from the gods, just as with the *funesta* family being excluded from religious activity. The threat would be far more likely to rebound upon the individual (or worse, the society) for allowing the sacrilege to take place, or failing to offer a suitable expiatory response. So, when a 'funerary bird' was discovered in the Capitol in AD 43, the whole city was purified.¹³⁰ It may have been that during the festivals of the Parentalia all families were, to a degree, tainted by the presence of their ancestors, and so the doors of the temples ensure no living person carried the dead or their pollution across the boundaries of the *templum*, upsetting the delicate balance of the *pax deorum*.¹³¹

The Parentalia was largely composed of a series of private rites conducted at the gravesites of parents and ancestors.¹³² Vestal Virgins also performed a public ritual on behalf of the whole community at the start of

¹²⁷ Plin. *HN* 28.80–2; Friedl (1975: 29).

¹²⁸ Sen. *Contr.* 4.1. The graveyard appears to 'contain' the pollution of death within its boundaries, existing as a place in which the corpse was no longer 'out of place' and threatening.

¹²⁹ Cic. *Q. Fr.* 2.3.7; McDonough (2001: 219–21). Similarly, Cicero was eager to avoid unlucky days when choosing the wedding day for his daughter Tullia; Cic. *Q. Fr.* 2.4.2.

¹³⁰ Plin. *HN* 10.34–5.

¹³¹ Verg. *Aen.* 6.563 illustrates the exact opposite system in place in the Underworld, where Aeneas is told 'it is not *fas* for any pure (*castus*) soul to stand upon the wicked (*sceleratus*) threshold'. Again we see the opposition between purity and *scelus*. Cf. Cic. *Leg.* 2.45.

¹³² Ov. *Fast.* 2.533–43; Cic. *Phil.* 1.6.13. Dolansky (2011: 134–5) also lists several examples of bequests made by citizens to their home towns, on the condition that their tombs be preserved and all rites performed each year at the Parentalia.

the festivities.¹³³ Although the ceremonies contained acts of placation and purification, Latte suggests that the spirits addressed in the Parentalia, the *divi parentum*, were benevolent ancestors, not threatening in their intent but still potentially dangerous through the ill-omened associations they carried in death, which could potentially harm the vulnerable.¹³⁴ Ovid recounts a myth, however, of an occasion where the rites were overlooked in a time of war, which was followed by widespread death while ‘dreadful spirits’ (*deformes animae*) haunted the city by night.¹³⁵ Once again the threat is not expressed directly in terms of pollution, but instead has its remedy in actions of purification – ‘the ritual cleanliness of Rome consisted essentially in its being free from the ghosts of the dead’.¹³⁶ On this basis, Ziolkowski highlights the significance of the Parentalia in the interpretations of the Lupercalia, which took place on the third day of the festival, and which he believes provides the key to understanding the aims of the city’s purification.¹³⁷ It was the ghosts which stalked the streets that were the original target of the Luperci’s lashes, a fact deduced from the location of the ceremony within the month of February, which hints at its origin as a purification of the oldest settlement site, rather than a fertility ritual, as it had been thought beforehand. Festus combined the two theories, stating that the Luperci purified the women of the city. Combined with the warnings of Ovid and Seneca concerning marriage and childbirth, the action of flogging with sacrificial strips of animal hide may have further strengthened women against the threats to fertility.¹³⁸

Ancient writers believed that a similar threat existed on three other days of the year, 24th August, 5th October and 8th November with the opening of the Mundus.¹³⁹ This site, thought by Plutarch to be the centre of the original city, was described as a pit covered by a stone, which was removed on the three dates, uncovering the ‘door of the wretched and infernal gods’ (*tristium deorum atque inferum . . . ianua patet*), making the day *religiosus*, in which it was unlucky to fight a battle, begin a journey, or seek marriage

¹³³ Frazer (1929: II.433); Scullard (1981: 75); Beard, North and Price (1998: I.50).

¹³⁴ Latte (1960: 98).

¹³⁵ Ov. *Fast.* 2.547–556; Dolansky (2011: 143–4).

¹³⁶ Ziolkowski (1998–9: 192).

¹³⁷ Ibid. 194–210, at 195–7; Helleman (1973: 260–8); Harmon (1978: 1440–68); Wiseman (1995a: 1–22; 1995b: 80–5); Beard, North and Price (1998: I.47); North (2008: 144–60).

¹³⁸ Festus s.v. *Februarius*. Cf. Burriss (1931: 90); Scullard (1981: 77); Ziolkowski (1998–9: 202–3).

¹³⁹ Festus s.v. *Mundus*; Plut. *Rom.* 11. Interpretations of the nature and significance of the *mundus*, both ancient and modern, are uncertain. Central studies include: Warde-Fowler (1912: 25–33); Weinstock (1930: 111–23); Rose (1931: 115–27); Deubner (1933: 276–87); Fabbrini (1970: 197–228); Magdelaín (1976: 71–109); Coarelli (1977: 346–77); Catalano (1978: 452–66); Chirassi-Colombo (1984: 418–20); Rykwert (1988: 129–31); Dognini (2001: 109–22). Bendlin (2002: 37–73) offers a detailed re-evaluation of the ancient literature and subsequent scholarly interpretations.

with the aim of producing children.¹⁴⁰ Once again the connection to death is perceived as a threat to fertility, and an interruption to everyday life. As such it has drawn comparisons with the Athenian *Anthesteria* festival, involving the opening of the city's *pithoi*, amongst acts of propitiation and offerings to ancestral spirits, for which the days were designated *miara* (defiled). At the conclusion of the rites, the souls of the dead were ordered to depart, re-establishing order in the city.¹⁴¹ While the Mundus may have been considered the 'centre' of Rome by some, this function also pointed to its being considered a liminal boundary, this time with the underworld, and so danger was attached to anything that transgressed its threshold. Such spirits did not necessarily threaten the living malevolently but, as ever, contact with them tainted proceedings, which could have far greater significance in matters of fertility, which were particularly susceptible to damage from pollution/disorder.

If the spirits connected to the Parentalia and the opening of the Mundus were considered ambivalent, this was certainly not true of the spirits that haunted the city during the month of May, the *larvae* and the *lemures*. Ovid describes these spirits as 'silent dead' (*taciti inferi*), who are typically grouped separately from the *Di Manes*.¹⁴² Unlike the *Di Manes*, these spirits were labelled as harmful and malicious, possibly resulting from violent or premature deaths.¹⁴³ These spirits were thought to haunt the city on 9th, 11th and 13th May, the period known as the Lemuria, in which they were appeased, repelled, and as we shall see, ultimately purged from the city. As with the Parentalia and the opening of the Mundus, there may have been a tradition of avoiding marriage during the days of the Lemuria in May, which was prevalent enough to warrant comment by Plutarch.¹⁴⁴

We are forced to rely entirely on Ovid's poetic description for a picture of the private rites surrounding the festival. He suggests a carefully constructed ritual performed by the *paterfamilias*. Awakening at midnight, he is instructed to proceed, like the *flamen Dialis*, wearing no knots on his shoes. Then, making a gesture to ward off evil, he washes his hands in 'pure spring water' (*manus puras fontana perluit unda*) and throws black beans into the

¹⁴⁰ Macrob. *Sat.* 1.16.16–8; Festus s.v. *Mundum*; Burris (1931: 82); Voisin (1979: 435); Spaeth (1996: 63–5).

¹⁴¹ Van Hoorn (1951: 15–57); Parker (1983: 39); Burkert (1983: 213–47 especially 226–30; 1985: 237–42); Hamilton (1992: 26–7, 50–3).

¹⁴² Ov. *Fast.* 5.422; Frazer (1929: IV.36–54); Latte (1960: 99); Thaniel (1973b: 182–7).

¹⁴³ Plaut. *Cas.* 592; *Capt.* 598; Hor. *Ep.* 2.2.209; Pers. *Sat.* 5.185; Festus s.v. *Larvati*; Wissowa (1912: 235); Boyancé (1952: 275–89); Toynbee (1971: 35, 64); Scullard (1981: 118–21); Phillips (1992: 65–7); Littlewood (2001: 925–31); Liou-Gille (2007: 607–20). General consensus now judges Ovid's reference to these spirits as *Manes* to be false.

¹⁴⁴ Plut. *Quaest. Rom.* 86; Frazer (1929: IV.52); Rose (1924: 204–5).

darkness, repeating nine times the formula ‘I throw these beans, and with them I redeem myself and my family’ (*haec ego mitto, his . . . redimo meque meosque fabis*).¹⁴⁵ He then washes again and clashes bronze, again calls out nine times, ‘Ghosts of my fathers be gone!’ (*Manes exite paterni*). This complete, Ovid states ‘he looks back and thinks the rites completed with purity’ (*respicit et pure sacra peracta putat*).¹⁴⁶ Again we see the removal of the presence of death linked directly, through Ovid’s repeated use of *purus* and references to running water, to purification and the re-establishing of order, this time in the household via the banishment of the Chthonic spirits.¹⁴⁷ Frazer commented at length on the various sympathetic aspects of the ritual, including the prohibiting of knots, which might impede the removal of such metaphysical threats. Likewise the theme of black beans recalls one of the many restrictions of the *flamen Dialis*, which Frazer links to the stipulation that the priest must also not touch a corpse or place of cremation, or keep his office after the death of his wife.¹⁴⁸ Ovid also used black beans in a digression on witchcraft after his description of the Parentalia, and Pliny, citing Varro, implies a widespread belief that the souls of the dead (*animae mortuorum*) were encased within beans. Therefore, the act of throwing them away must be interpreted as a further means of transportive purification for the household, using a physically appropriate substance to imitate the invisible spirits.¹⁴⁹

It was immediately after the completion of the Lemuria that the Roman state conducted perhaps its most enigmatic ritual – that of the *Argei*.¹⁵⁰ Plutarch considered this ritual the Romans’ ‘greatest rite of purification’, and it involved the Vestal Virgins throwing twenty-seven rush puppets, designed to resemble bound human beings, into the Tiber from the *Pons Sublicius*.¹⁵¹ The wife of the *flamen Dialis* was also required to attend dressed in mourning garb, with uncombed hair.¹⁵² Numerous theories

¹⁴⁵ ‘Redeem’ (*redimere*) should not be read here in the Judeo-Christian sense of salvation, but rather as closed to a ritualised ‘business transaction’, in which the beans were offered in place of family members, who might otherwise be under threat.

¹⁴⁶ *Ov. Fast.* 5.431–44.

¹⁴⁷ For comparisons with the ‘ordering out’ at the *Anthesteria*, cf. Burkert (1983: 226).

¹⁴⁸ Gell. *NA* 10.15.12–25; Frazer (1929: IV.38–9).

¹⁴⁹ *Ibid.*; *Ov. Fast.* 2.571–82; Pliny *HN* 18.118–19; Beer (2010: 51).

¹⁵⁰ For discussion of various controversies surrounding the *Argei* festival, see Warde-Fowler (1911b: 65–6, 108); Wissowa (1912: 60); Rose (1924: 98–101); Le Gall (1953: 83–7); Latte (1960: 412–14); Dumézil (1970: 448–50); Ogilvie (1969: 87–8); Maddoli (1971: 153–66); Bayet (1973: 97–8); Harmon (1978: 1446–59); de Fabroschi (1980–1981: 39–63); Nagy (1985: 1–27); Pötscher (1998: 225–34); Ziolkowski (1998–9: especially 210–18); Graf (2000: 94–103); Forsythe (2012: 40–8).

¹⁵¹ Plut. *Quaest. Rom.* 32, 86; Dion. Hal. *Ant. Rom.* 1.38.3; Varro, *Ling.* 5.45; 7.44; *Ov. Fast.* 3.791–2; 5.621–662; Festus s.v. *Sexagenarios*; Macrobi. *Sat.* 1.11.47.

¹⁵² Gell. *NA* 10.15.30.

have appeared regarding the nature and aetiology of the rite, in particular the potential interpretation of the puppets representing a former human sacrifice, as was supposed by Wissowa, although this has now been generally dismissed. That this rite was one of urban purification is perhaps the most widely accepted interpretation. Bayet, Harmon and Ziolkowski each view the placement of the ritual, immediately following the Lemuria, as essential to this interpretation, citing it as the primary source of pollution the puppets were supposed to remove. The actions described by Ovid regarded only the protection of the household, meaning that after the Lemuria, the rest of the city, including its temple precincts, was still potentially tainted by the presence of the spirits.¹⁵³ The aggressive nature of the *larvae* and *lemures* indicates that the images were intended to act as substitutes for the population, in the same way in which the *paterfamilias* offered beans in lieu of his family.¹⁵⁴ The labelling of the images as *Argei* suggests an attempt to draw attention away from the Romans themselves through the naming of an established enemy.

Varro stated that the puppets had been placed at twenty-seven shrines across the ancient city, and Bayet argues that by proceeding through each of these shrines, the entire city would gradually be purified with the removal of the scapegoat images.¹⁵⁵ Despite widespread discussion of the ritual, few comments have been made regarding the presentation of the *Argei* as bound men.¹⁵⁶ This may hold deeper significance, however, when considered alongside the regulations of the Lemuria and the *flamen Dialis* concerning knots. In the case of the Lemuria, Frazer observed that the presence of knots presented 'obstacles to the performance of certain natural or ceremonial functions'.¹⁵⁷ For this reason the *paterfamilias* must wear no knots when removing the *lemures*, in case they hindered the spirits' passage. In the case of the *Argei* offerings, the desired result was the opposite, to prevent them from escaping the images, which could then be disposed of with certainty of success. The stipulation that the *Flaminica* must wear funeral apparel during the disposal of the images further suggests the link between the *Argei* and the Lemuria. Combined with the Vestals, Rome's purest priestly caste, she helped to safely remove the threat from ancestral spirits by removing their substitute victims. Ziolkowski emphasised the location of the *Pons Sublicius* as crucial in the idea of waste removal, since it stood close by to the outflow of the Cloaca Maxima, as well as the drain leading from the Circus Maximus. He concludes by stressing that in the case of the Lupercalia

¹⁵³ Frazer (1929: IV.74–113 at. 89–91).

¹⁵⁴ Festus s.v. *Pilae et Effigies*.

¹⁵⁵ Varro, *Ling.* 5.45; Bayet (1973: 31–2); Nagy (1985: 6).

¹⁵⁶ Dion. Hal. *Ant. Rom.* 1.38.2.

¹⁵⁷ Frazer (1929: IV.46–7), with reference to Gell. *NA* 10.15.9–10.

during the February rituals, it was the population of the city who were the object of purification, while the *Argei* ceremony in the wake of the Lemuria dealt with the physical city.¹⁵⁸ While the growth in population may have brought in this requirement (as he postulates), nevertheless the purification relied on the constant ritual companion and safeguard of the city, the river Tiber.

Conclusion

Death has appeared in various guises across our investigation. By necessity, however, this chapter has taken a narrower view. Its focus has been twofold: first, the issues of pollution, separation and religious restriction that came into place immediately in the wake of death. These fears had a clearly distinguishable focal point – the corpse, whose speedy and unpleasant disintegration reflected the social chaos and upheaval which followed its passing. Rites in place to deal with this threat stress the importance of separation, temporarily removing the family from ordinary society while permanently removing the corpse from the household, ensuring that the pollution might not find its way back during this process. It was this more metaphysical pollution which was the target of the second area, for if ‘burial did away with the corpse, but not with the dead’, then this was certainly the aim of the various public festivals in place throughout the Roman year, which sought to protect the household from the pollution encapsulated in the ‘ancestral spirits’, and subsequently to purge them from all corners of the city.

We have seen that issues concerning death-pollution permeated every social class, although sometimes with differing results. Whatever the status of the recently deceased, society’s view of those workers in charge of their removal was deeply ambivalent. It cannot be denied that undertakers played crucial roles in Rome and the Italian towns. Issues of health and hygiene were bolstered by ideas of religious impurity. But if pollution must be taken away, someone must be responsible for it, and even in certain countries today these people are despised and socially ostracised due to their connections to impurity.¹⁵⁹ In examining pollution stigma in India, Barrett comments that:

From the householder to the servant, the sweeper, and then the sewer, polluted substances travel down a gradient of inauspiciousness, with little

¹⁵⁸ Ziolkowski (1998–9: 216–18).

¹⁵⁹ Cf. Watson (1982: 155–87); Parry (1994: 81, 217).

or no change to the relative (in)auspiciousness of the substances themselves . . . the negative attribution is intrinsic to the pollution itself. If one cannot destroy or change pollution, then one must somehow transport it to another location.¹⁶⁰

We have seen that while the Roman family was made *funestus* for a limited period, those workers at the lowest levels of the death trade were socially reviled for as long as they practiced their trade, and in some cases their reputation might be tarnished permanently. Furthermore, at times they played the crucial role in sending corpses (particularly those of the publicly condemned) further down the 'gradient of inauspiciousness', whether to the Cloaca Maxima, or directly into the Tiber. In either case the goal is achieved in the removal of the polluting presence, at times providing for a further level of premeditated *post mortem* disrespect. Just as the corpse had to be sent away, we see strong indications that in both Rome and Italy, *libitinarii* were required to exist on the physical boundaries of society.

Are we, therefore, any closer to giving a plausible explanation of what constituted death-pollution in Rome? A number of issues must be considered, but certain points appear self-evident. At the centre of this picture was the corpse itself. Its pollution was spread primarily by contact and proximity (typically centring on the household), but also affected near relations regardless of their location, due to their being connected to a family undergoing transition and readjustment. Outward signs, frequently based on acts of self-pollution or contraventions of social custom, were made by such individuals to warn others of the metaphysical dangers attached to them. Those beings who were currently in liminal states themselves (e.g. pregnant women) were particularly at risk. In the field of religion, there is strong evidence that priests such as the *flamen Dialis* were also susceptible. The gods, however, do not appear to have been at risk from mortal pollutions. Rather, the danger lay in mortals carrying the pollution into religious contexts and as a result damaging the *pax deorum*.

¹⁶⁰ Barrett (2008: 44).

Pollution and rhetoric

In the course of our investigation so far we have encountered a number of forms of pollution, along with the wide-ranging Latin vocabulary that was used to classify them as ‘matter out of place’. But pollution and its various dangers were highly subjective, and the extent to which pollution was considered dangerous depended on the circumstances in which it occurred, as well as the views of those reporting it. As with so much in Roman religion, interpretations and judgements from various priestly groups were sought in the wake of natural disasters or offences that might have resulted in the pollution or disturbance of the *pax deorum*. Religious procedures and rulings could also become a battleground for opposing political groups with conflicting agendas, especially in the turbulent years of the late Republic, and when the majority of religious offices were held by men who were also actively engaged in politics.¹ As a result, the cause or nature of a single pollution could be open to question, and given the propensity for personal polemic in Latin rhetoric, it should come as no surprise that impurity could be a powerful weapon, ripe for manipulation by skilled orators. Of these, Cicero provides the greatest volume of evidence, and appeared to use impurity as a device against key opponents. We have already seen his description of Catiline as a *pestis* that needed to be ‘vomited’ from the city, an example which reflects a far wider manipulation of pollution vocabulary by Cicero in his attempts to slander and discredit his enemies.²

This chapter will see a shift in direction and approach from earlier chapters. Up to this point we have adopted a relatively ahistorical approach, focusing generally on the late Republic and early Principate. This chapter will focus on the events surrounding a single speech by Cicero, the *De Domo Sua*.³ There are several reasons for taking this approach. First, it

¹ Szemler (1971: 103–31); Orlin (2007: especially 59–61).

² Cic. *Cat.* 1.10; 2.2; Gildenhard (2011: 130–1).

³ Much of the material in this chapter appeared as an article (Lennon 2010b: 427–45) that attempted to demonstrate the importance of pollution in Cicero’s rhetorical line of attack. While this remains

is a lengthy speech in which a large proportion of the pollution terms we have encountered during this study appear, and in such significant quantities as to be worth greater consideration. Second, the speech is relatively underexploited as a source for Roman religious activity in the late Republic, and it offers one of the most detailed pieces of evidence available to us for the central role pollution could play in Roman religion. Third, and most importantly for this study, in this speech we see the prominent inclusion of key themes that have been explored in earlier chapters, including sexual activity, bloodshed and death, as well as the wide variety of terms used to signal impurity. It is important to bear in mind that the *De Domo Sua* does not reveal an 'official doctrine' regarding religious pollution in the late Republic. Such issues were not so clearly defined. This is why the debate could take place, and why oratory could play such a significant role. Cicero had to sway his audience, just like in any other case, and this was as much a political debate as a religious one. However, the fact that he chose to make pollution such a major feature of his rhetorical attacks is revealing in and of itself. The numerous references to pollution were clearly approaches that Cicero felt would strike a chord in a debate over religious practice and authority. This chapter aims to demonstrate the ways in which Cicero drew together images of impiety and contagious pollution and utilised them as part of the wider conflict with his arch-rival, Clodius.⁴ The various forms of impiety and pollution are explored thematically, beginning with the parallels Cicero draws between the impieties of Clodius and Catiline, before progressing to the more personal subjects which were directly linked to the issue of the *De Domo Sua* (i.e. whether Clodius could dedicate a religious shrine in the first place): Clodius' violation of the rites of Bona Dea; the image Clodius chose to represent Libertas and the insult this caused to Cicero's own household gods; the rumours of incest surrounding Clodius and his three sisters; and the finally the outbursts of orchestrated public violence which led to bloodshed and the desecration of public temples.

Such an approach also offers an excellent opportunity for us to utilise the theories we have been exploring, to offer a fresh interpretation of a single ancient text, bearing in mind the socio-political context of its creation, as well as the ways in which the text itself may have shaped and influenced the attitudes and language surrounding religious pollution. It will be helpful,

a central issue, for the purposes of this book the chapter has somewhat broader aims and so has been revised and expanded in order to demonstrate the central themes that have been encountered in the preceding chapters.

⁴ On the rhetorical use of impiety, see Achard (1981: 116–30, 519–20).

therefore, to refer throughout to the wider context of this feud, which spanned much of the 50s BC and ended only after the assassination of Clodius and the trial of his killer, Milo, in 53 BC. However, while Cicero described Clodius as impure in a variety of ways throughout these years, it was in the *De Domo Sua* that pollution played the central role within a conflict over religious procedure. Here, it lay at the heart of Cicero's argument. In a battle over who held true religious authority and divine favour, the potential impurity of one party could help sway the judgement of an informed priestly audience.

The context of the *De Domo Sua*

In 58 BC Clodius was elected a tribune of the people and immediately set about attacking Cicero, ostensibly for the latter's execution of the Catilinarian conspirators in 63 BC, an act which Clodius argued had been illegal as it had not been ratified by the Assembly. To escape prosecution, Cicero fled to Greece, where he remained until after Clodius' tribunate had ended. In his absence, Clodius ordered the confiscation of Cicero's property, including his luxurious house on the Palatine. When it became increasingly clear that Cicero would return, Clodius consecrated a shrine to the goddess Libertas on the site of the Palatine property, arguing that such a shrine could not be removed, or officially 'owned' by a private individual. When Cicero arrived back in Rome his property was restored to him, and those buildings that had been destroyed were rebuilt at public expense.⁵ Nevertheless, the shrine to Libertas could not be so easily dealt with. To deconsecrate the site without genuine religious justification might incur the enmity of the goddess.⁶ This presented a serious problem, since forcing Cicero to live next to a monument to his disgrace was both humiliating and implied that he had not been entirely acquitted of the original charges against him.⁷ Therefore Cicero was forced to argue before the college of pontiffs for a reversal of the dedication – a plea with little direct precedent.⁸

⁵ Cic. *Att.* 4.1.8.

⁶ Orlin (1997: 166); Watson (1968: 21–2). When several prodigies were reported the following year, Clodius was quick to blame the 'violation' of the shrine as a cause of divine anger.

⁷ On the events and symbolism surrounding Cicero's Palatine house, as well as its location on the Palatine, see Burris (1926: 524–32); Allen (1944: 1–9); Hales (2000: 44–55).

⁸ That is, dedication of private land for sacred use; Cic. *Dom.* 127–8; Tatum (1993b: 320). While Cicero appears to have been proud of his speech, Stroh has observed that it remains poorly viewed by modern scholarship; Cic. *Att.* 4.2.2; Stroh (2004: 313–14); Orlin (2007: 61). Tatum (1999: 190–1) notes that without knowledge of Clodius' own speech, we cannot fully appreciate Cicero's efforts. More generally, cf. Steel (2007: 105–28); Gildenhard (2011: 300–26).

Ultimately the legal argument used by Cicero, and accepted by the pontiffs, was based on a legal technicality requiring anyone performing a public consecration to have been authorized to do so by a plebiscite. Without such a vote the dedication was invalid.⁹ Also, members of the college were typically expected to be present at dedications. For this ritual, Clodius had enlisted his brother-in-law L. Pinarius Natta, whom Cicero described as the youngest and least experienced of the pontiffs.¹⁰ Though he did not argue that the young man had proceeded incorrectly, he suggests that someone with so little experience might, potentially, have made mistakes. A flimsy argument, but one that illustrates the direction of Cicero's overall attack – he needed to make his audience believe that the ritual had been damaged, or incorrectly (or improperly) performed. This tactic is later illustrated concerning Clodius himself, where he is described speaking 'with muddled words' (*praeposteris verbis*).¹¹ Therefore, each of his attacks on Clodius' personal purity contributed to the erosion of the ritual.

The question of purity is, in this case, tied to that of ritual validity. If Cicero knew the legal weakness of his argument, he could also attempt to sway the pontiffs against Clodius by constructing an image of him as impious and religiously unclean, and thus incapable of correctly performing a *consecratio* because of his own moral and physical shortcomings.¹² This allowed Cicero to exploit the standard character attacks, so typical in rhetoric, for a central, practical purpose. Each damaging anecdote and careful choice of words served to chip away at the validity of Clodius and his dedication. Moreover, by focusing on the issue of religious impurity Cicero avoided having to discuss the deeper details of pontifical law, which might offend his well-informed audience, as well as weaken his argument with regard to Clodius' religious laxity and curiosity.¹³ At the heart of this argument was *scelus* – in the course of this single speech Cicero used the term and its cognates fifty-three times in reference to Clodius, his

⁹ On the pontiffs' ruling, and actions taking in conjunction with the Senate, see Cic. *Att.* 4.2.3–4.

¹⁰ Cic. *Dom.* 117–19, 139; Taylor (1942: 391, 394).

¹¹ Cic. *Dom.* 140; Goar (1972: 51–2). Szemler (1971: 106) highlights the pontiffs' role in ensuring the precise wording and procedure were employed during religious rituals.

¹² On religious *contagium* see Wagenvoort (1947: 128–86, especially 132). Riggsby (2002: 159–95, at 164) hints that Cicero's arguments 'have less to do with the law than with . . . Clodius' supposed impiety'. Lisdorf (2005: 455–6) argues that Cicero's remarks concerning Clodius and morality are 'superfluous', opposing Goar (1972: 51–5), as part of an unconvincing attempt to examine the ritual processes within the *De Domo Sua*. Goar's focus, however, dwells primarily on the issue of morality in Roman religion without considering the consequence of impurity as a damaging factor in the ritual dedication.

¹³ Linderski (1985: 209–10, 216) discusses Cicero's respect for hidden religious traditions as a contrast to Clodius' *curiosi oculi*, by which he violated the religious traditions of the Bona Dea. Cf. Gildenhard (2011: 315).

actions and his associates. In many of these examples we once again see the combination of *scelus* with pollution, or otherwise an emphasis on the infectious nature of the *scelus* surrounding Clodius, suggesting a deliberate approach by Cicero, in line with the nature of the case and his primary aim, to have the shrine of Libertas annulled. Religious pollution, therefore, may be said to have played a pivotal role in ensuring a favourable outcome for Cicero. The issue of the plebiscite might be the pretext employed by the pontiffs when reaching their decision, but his carefully constructed attack on Clodius with regard to ritual and religion can be seen as deeply damaging in the context of a hearing before the Pontifical College.¹⁴

Clodius and Catiline

In the *Catilinarian* orations Cicero talks of Catiline's desire to wage impious war (*bellum nefarium*) against the city.¹⁵ In the *De Domo Sua*, Clodius is also accused of waging a *nefarium bellum*, not only against Cicero, but against the very fabric of his home (*columnae ac postes*), an action which he states exceeded Catiline's cruelty.¹⁶ It is clear that links to Catiline's band could be politically damaging, and following Cicero's careful formulation of the conspirators as *scelesti* he was able to imply similar wickedness in Clodius, who is openly labelled in the *De Domo Sua* as *felix Catilina*, his successor in the eyes of all nefarious men.¹⁷ The unspeakable nature of the crime (*nefas*) gives an indication of Cicero's views concerning the use of violence and underhand methods against the Republic (and himself), whilst further emphasising impurity through his use of *nefas* and *scelus*. Cicero proceeds to lay the blame for the torching of his Palatine property at the feet of Clodius and the consuls of 58 BC, Piso and Gabinius,¹⁸ while describing Gabinius as the 'darling' (*delicia*) of Catiline.¹⁹

In recalling the removal of Catiline before the Senate, Cicero referred to the removal of a pestilence (*pestis*) brought about by all good men,²⁰ and

¹⁴ Tatum (1993a: 321): 'The Papirian law provided . . . an opportunity – not an obligation – to invalidate Clodius' consecration'.

¹⁵ Cic. *Cat.* 1.25, 1.33, 2.15, 3.3; Dyck (2008: 110–I, 122).

¹⁶ Cic. *Dom.* 60. See Berg (1997: 122–43) on the symbolism of the Roman house in religion.

¹⁷ Cic. *Red. pop.* 13; id. *Dom.* 72. For detailed consideration of Clodius and Catiline, see Lintott (1967: especially 163, 169); Lopozko and Kowalski (1990: 199–210).

¹⁸ They had been induced to allow Clodius' tribunate to proceed unhindered by his passing of a bill allotting them lucrative provincial commands in Cilicia and Macedonia. Cicero shows equal hatred of them, comparing Piso to Clodius' pet dog, and to a foul prodigy in the same manner as Catiline and Clodius themselves; Cic. *Pis.* 23, 31 (*immanissimum ac foedissimum monstrum*).

¹⁹ Cic. *Dom.* 62; *Red. sen.* 10. Similarly in *Sest.* 28 Gabinius delivers a speech like a 'victorious Catiline'. With *delicia*, a sexual relationship may also be implied.

²⁰ Cic. *Red. sen.* 17.

Cicero's use of impurity in referring to Catiline's forces is well established.²¹ By the time of the *post reditum* speeches, however, Clodius too has achieved this status in Cicero's view, and in the *De Domo Sua* is directly labelled as *rei publicae pestis*, in a manner which suggests Clodius not only to be impure himself, but also a pestilential and corrupting influence against all good things within the Republic, as was demonstrated by his attempts to stain (*maculare*) the reputation of Marcus Cato.²² All instances of *pestis* in the *De Domo Sua* refer to Clodius, Piso and Gabinius, or to Catiline. Since a parallel to Catiline appears intended for each of the men concerned, both by this choice of phrase and the more direct revelation of *felix Catilina* in the case of Clodius personally, it is unsurprising that no one else receives this label.²³ By making this comparison Cicero was asking a clear question of the pontiffs; would they have treated a ritual performed by someone as impious and willing to resort to violence against the state as Catiline as religiously binding?²⁴ Equally, if doubt existed over whether a priest with a blemish, a deformity, or the stigma of a sexual offence could successfully perform his religious duties, could the description of Clodius as *pestis* further corrupt his *dedicatio*?

Such accusations could harm Clodius' reputation, and possibly fuel the audience's indignation (having recently experienced the violence of Clodius' tribunate, as well as Catiline's attempted revolution in 63 BC), but these offered nothing concrete to help Cicero's case. He could cut far deeper by speaking of, and constantly referring back to, Clodius' greatest indiscretion – his interference at the public festival of Bona Dea. This serious incident became one of the most damaging arguments against any religious action made on Clodius' part. Similarly, it allowed Cicero to dwell on the various forms of pollution that surrounded his opponent as a result of the sacrilege, damaging the validity of the consecration of the shrine to Libertas and further humiliating Clodius before the pontiffs.

Bona Dea

We have already noted the serious sexual pollution that resulted from Clodius' intrusion at the women-only rites of Bona Dea in 62 BC. Allegedly

²¹ For example Cic. *Cat.* 1.23; 2.11, 15; 3.27. On the antithesis of Cicero and Catiline, see Batstone (1994: 211–66). Cf. Lopozko and Kowalski (1990: 199–210).

²² Cic. *Dom.* 5; *Sest.* 60.

²³ Cic. *Dom.* 2, 5, 14, 24, 26, 72, 85, 99, 144; MacKendrick (1995: 169); Kaster (2006: 218).

²⁴ This accusation did not end with the *De Domo Sua*, and would be used against Clodius for the rest of his life. Cic. *Red. sen.* 6, 7, 19; *Red. pop.* 13, 14; *Dom.* 63; *Att.* 4.3.3; *Har. Resp.* 22; *Mil.* 37. On Clodius' use of mob violence and support from the urban *plebs*, see Lintott (1967: 169).

aiming to seduce the wife of Julius Caesar, in whose house the rites were taking place, Clodius polluted proceedings both by his attempts at adultery and by his very presence in the ritual, which was denounced by both the pontiffs and the Vestals as *nefas*.²⁵ Indeed, it was during Clodius' trial *de incesto* that Cicero first earned his enmity by breaking his alibi.²⁶ Cicero first mentions the subject of Clodius and the Bona Dea festival in a letter to Atticus on 1st January, 61 BC. His feelings were uncertain, his first report suggesting a degree of public concern, possibly tinged with a degree of humour.²⁷ Cicero claimed to have bitterly attacked Clodius in the Senate, comparing his behaviour and actions to those of the Catilinarian conspirators, stating that 'Lentulus had twice been acquitted, as had Catiline – now a third man has been thrown against the State by a jury'.²⁸ Cicero appears chiefly concerned with the political ramifications, rather than the religious dangers, from these proceedings. By 57 BC, and for the purposes of the *De Domo Sua*, however, this scene presented the greatest opportunity to discuss the hypocrisy in any claim Clodius may have made regarding the observance of *religio*. To this end, the scandal was revisited to underline the insincerity of Clodius' feigned piety. It must be remembered that in the sphere of religion Clodius had been condemned by the judgement of his act as *nefas*. Most importantly, it had been the college of pontiffs whose ruling had been both ignored and surpassed by bribery in the legal trial.²⁹

That the alleged crime had taken place in the house of the Pontifex Maximus has frequently been underestimated in examining the context of the *De Domo Sua*.³⁰ Although Caesar was preoccupied in Gaul at the time,

²⁵ Cic. *Att.* 1.12.3; *Har. Resp.* 37–8, 44; Vell. Pat. 2.45.1; Plut. *Cic.* 28; Dio 37.45.1–2; Woodman (1983: 65–7); Beard and Crawford (1985: 34); Gruen (1995: 248).

²⁶ Cic. *Att.* 2.1.5; *Dom.* 80; Lintott (2008: 158).

²⁷ Cic. *Att.* 1.12; Balsdon (1966: 65–73); Epstein (1986: 229–35); Tatum (1990: 207–8; 1999: 64–5). Tatum places particular significance on Clodius as a public figure in inciting Cicero's disapproval, but also considers the potential humour of the situation for Cicero, Atticus and the rest of the political elite.

²⁸ Cic. *Att.* 1.16; Brouwer (1989: 144–9).

²⁹ Mulroy (1988: 155–78) attempts to portray the Bona Dea festival as a Bacchanal-like revel, where men might have been permitted in order to explain Clodius' presence in female attire. It is impossible to accept this, given that the scandal of the Bacchanalia in 186 BC came about partly because of pollution and indecency felt to have been brought about by mixed-sex revelling. If men had been permitted at the Bona Dea, it seems improbable that Caesar, whose house was chosen for the ritual, and who had recently been elected Pontifex Maximus (the religious ward of the presiding Vestals), should have been absent from the prestigious honour of a sacrifice *pro populo* within his own house. Tatum (1990: 208) similarly shows reservations.

³⁰ Nisbet (1939) MacKendrick (1995) and Stroh (2004) see no significance in the topic in this context. Lenaghan (1969: 61–2) and Brouwer (1989: 268–9) argue that Cicero drew attention to this to highlight the sanctity of the rite and by extension 'the baseness of Clodius' act', but still make no mention of the context of the *De Domo Sua*.

it must not be forgotten that Cicero was speaking about an embarrassing event in the life of the college's current leader. It served as a potential injury to the pontiffs' authority, helping Cicero's cause at least in principle.³¹ But more importantly it also allowed him to ask the question of whether such a man, who had robbed the house of the Pontifex Maximus of its *religio* through his *nefas* actions, could truly be capable of conferring sanctity upon the house of a private citizen.³²

The damage to *religio* appears as part of the *scelus* resulting from Clodius' intrusion, and points to the wider issue of religious authority and sanctity within public religion and religious space. The threat to the traditional religious customs attached to the Roman household (discussed below) may also be significant. Following this question, Cicero contrasts Clodius with his pious ancestors, speaking of Clodius as 'that man, who polluted (*polluere*) sacred rites not only by viewing them, but also by twisted depravity and lust'.³³ The validity of the accusation of sex within the ritual is uncertain; Cicero's rhetorical aim is clear.³⁴ This confirms the prohibition both on male presence at the Bona Dea, as well as the wider prohibition on sexual contact within religious space. Had either restriction been absent, the pontiffs would certainly have rejected Cicero's argument. The potential pollution from sex may also have been augmented in this case because the ceremony was attended by the Vestals, whose *castitas* might have been damaged even by proximity to such an act.³⁵

Cicero also appears to use humour in his description of the Bona Dea scandal, combining irony and the issue of Clodius' purity. At the start of his main attack on Clodius' violation of the Bona Dea, he describes the misgivings some may have about the return of his property as being stirred up by the farcical dedication of this 'most pious priest' (*castissimus sacerdos*).³⁶ The ironic description of Clodius as *castissimus* is interesting in itself with regard to Cicero's use of impurity to discredit him, but this phrase may have further connotations. Nisbet highlights Cicero's earlier, private, description

³¹ Stroh (2004: 349) points to a similar affront to the pontiffs' power: Caesar's failure to consult them over Clodius' adoption into a *plebeian* family.

³² Cic. *Dom.* 104 (*Publiusne Clodius, qui ex pontificis maximi domo religionem eripuit, is in meam intulit?*).

³³ Ibid. 105 (*istius, qui non solum aspectu, sed etiam incesto flagitio et stupro caerimonias polluit*). Cic. *Mil.* 87). '*polluerat stupro sanctissimas religiones*' leaves little doubt as to the link between ritual violation and religious pollution. See also Cic. *Leg.* 2.36–7 for the inexpiable nature of deliberately committed sacrilege.

³⁴ Cic. *Har. Resp.* 8; Vell. Pat. 2.45.1.

³⁵ Sen. *Contr.* 1.2.3–4 stresses the need to keep priestesses separate from all references to sexual impurity, even in conversation.

³⁶ Cic. *Dom.* 103. Also *Sest.* 66; Kaster (2006: 112).

of Clodius as *iste sacerdos bonae Deae* ('that priest of Bona Dea'),³⁷ which is in turn linked to his reference to Clodius' brother Appius Claudius Pulcher, as a man not far removed from this 'pious priest of Liberty' (*religiosus Libertatis sacerdos*).³⁸ The use of impurity, even with humour, illustrates the flexibility of Cicero's tactic while once again underscoring the hypocrisy of Clodius' actions to the pontiffs. There was no harm in poking fun at the incident; the initial danger caused to the rite by Clodius' intrusion had been expiated immediately by the presiding Vestals, who had repeated the ceremony. Religious danger might therefore be thought to surround only Clodius (around whom the danger still lingered), since his actions were deliberate, and so appeared to be inexpiable, and Cicero made the most of Clodius' polluted aura in evaluating his later religious actions.

When Cicero came to examine the nature of the deity Clodius had installed, he asked his audience what kind of goddess would possibly be found in company with such a sacrilegious man – his answer, 'a "Good" goddess surely, since she was dedicated by you!' (*at quae dea est? Bonam esse oportet, quoniam quidem est abs te dedicata*).³⁹ So, even when examining Libertas, Cicero brought his audience back to Bona Dea, linking Clodius' sacrilege with his subsequent dedication. When the argument turns towards the shrine and image of Libertas installed on the site, Cicero is no less careful to undermine even the ritual purity of the goddess through her manipulation by Clodius, for what is portrayed as a cruel and unnecessary action.

Libertas

Just as sexual impurity had played an important role in Cicero's narrative of the Bona Dea scandal, so it did again in his attack on the statue chosen by Clodius to represent Libertas.⁴⁰ Though the subject of the physical statue is dealt with relatively briefly, the layers of impurity are expertly drawn together, and the wider significance of the image opens new doors of antithesis for Cicero to explore.

³⁷ Cic. *Att.* 2.4.2.

³⁸ Cic. *Dom.* 111; Nisbet (1939: 156). See also Cic. *Har. Resp.* 9 (... *dixit domum meam, a religiosissimo sacerdote, P. Clodio, consecratam.*); *Sest.* 39 (*sacerdos stuprorum*).

³⁹ Cic. *Dom.* 110; Nisbet (1939: 162); Toutain (1950: 185–7). A similar play on words appears in Cic. *Dom.* 109 with the description of Clodius' *pulchra Libertas*.

⁴⁰ On the politico-religious symbolism of Liberty see Francisco and Francisco (2000: 261–9) for the struggle noted in the *De Domo Sua*. Cf. Hellegouarc'h (1963: 542–58); Brunt (1988: 281–351, especially 334).

He begins this enquiry by asking where this *Libertas* was found, and ‘reveals’ that the piece had been a marble statue of a prostitute (*meretrix*) from Tanagra, removed from a tomb by Clodius’ brother Appius for display in the entertainments he was to put on as aedile.⁴¹ Later this was given to Clodius, in Cicero’s words, to signify the ‘liberty’ of both himself and his followers, and not the liberty of the state. This is quickly made to appear as a deep insult to *Libertas* as Cicero asks, with a heavy hint of irony:

hanc deam quisquam violare audeat, imaginem meretricis, ornamentum sepulcri, a fure sublatam, a sacrilego collocatam? Haec me domo mea pellet?

Who would dare to violate this goddess – the likeness of a prostitute, the ornament of a tomb, stolen by a thief and set up by a sacrilegious man? Will such a goddess drive me from my house?⁴²

In this statement every aspect of the image’s dedication becomes potentially offensive to religion, and her removal becomes less a sacrilegious act, and more a pious restoration of the goddess’ dignity. Because the sculpture is of a foreign prostitute, Cicero may mean to imply a degree of sexual impurity, perhaps in keeping with the *stuprum* of her dedicator,⁴³ but the greatest emphasis must lie with the serious disrespect Clodius appears to show for his so called Liberty, profaning her sacred image by bringing it into even minor contact with the human, sexual world, and using the image of a low-born trade to depict a goddess of prized virtue.⁴⁴

This sacrilege is made worse by the revelation that the image was not only of a prostitute, but that even this was stolen, and crucially, from a tomb.⁴⁵ The accusation of theft directed at Appius Claudius may be no more than exaggeration on Cicero’s part, although it does invite comparison with his earlier prosecution of Verres (70 BC), who also stole statues and images from the most sacred sanctuaries.⁴⁶ Prospective aediles in the late Republic were expected to hold lavish displays for public entertainment, and treasures and wonders were collected from across the empire to contribute to the public

⁴¹ Cic. *Dom.* 111. This is represented as part of a wider series of ‘removals’ by Appius, described as carrying off works of art throughout Greece. Berg (1997: 138) casts doubt on the validity of the accusation concerning the tomb, but admits the power of such an image, linking death and religion.

⁴² Cic. *Dom.* 112.

⁴³ Cic. *Sest.* 9.20 refers to Clodius’ numerous indiscretions as both *lustrum* and *stuprum*. *Lustrum* is occasionally used by Cicero and others in the sense of debauchery or low-living. See Cic. *Cael.* 44; *Phil.* 2.6; Plaut. *Asin.* 867; Liv. 23.45.3; Lucr. 4.1136. For a full discussion of *stuprum* and sexual impurity see Fantham (1991: 267–91).

⁴⁴ McIntosh (2003: 136–8). For repetition of this attack, see Cic. *Har. Resp.* 33.

⁴⁵ Cic. *Leg.* 2.22 directly condemns those who have stolen from sacred precincts.

⁴⁶ Cic. *Verr.* 1.5.14 (... *etiam delubra omnia sanctissimis religionibus consecrata depeculatus*); Nisbet (1939: 164–5).

spectacles. The use of a sculpture from a tomb, however, might have more serious implications in terms of the purity of its dedication, as Cicero clearly emphasises that the image was stolen from a *sepulcrum*.⁴⁷ An object that was acceptable and appropriate for a graveyard, which was a religious space naturally connected to the underworld, became unthinkable within the context of a dedication to a divinity not associated with death. Cicero does not dwell on the issue, but dismisses the image as polluted by sex, death, and sacrilege,⁴⁸ damaging dedication, and also Clodius' reputation through his use of such an inappropriate image, for what Cicero believed to be a totally inappropriate cause. This close series of attacks represents Clodius' Libertas as totally hypocritical – a perversion of her true nature. Yet as is the case with the *Catilinarian* orations, one of Cicero's most powerful rhetorical tactics is the creation of antitheses,⁴⁹ and Clodius' Libertas represents only one half of this constructed image. On the other side of this battle, there stand two iconic images of Cicero's personal religion, that of his Minerva, and those of his household gods.

Minerva and the *Penates*

The significance of Minerva in Cicero's actions is attested by Plutarch, who states that before leaving the city to go into exile, Cicero took his private image of the goddess to the Capitol where he dedicated it as 'guardian of Rome',⁵⁰ to protect the Republic in his absence, an act that offers potential insight into Cicero's view of the gods' public roles and duties in maintaining the stability of the state. In the *De Domo Sua* Cicero acknowledges the help he has received from the goddess,⁵¹ and defends himself against Clodius' mocking suggestion that he acted as though Minerva were his sister and thought himself to be Jupiter.⁵² His cutting reply was that he was not so ignorant as to think Minerva was Jupiter's sister, but even if he did, that he could at least claim virginity for his sister; Clodius had not permitted Clodia such a luxury.

⁴⁷ Cic. *Dom.* III–12.

⁴⁸ The description of the sculpture's theft from its rightful place also creates a dual image of sacrilege, since the item was stolen from within the precincts of religious space, and dedicated by Clodius' already impure hands.

⁴⁹ MacKendrick (1995: 72–3, 106–7).

⁵⁰ Plut. *Cic.* 31; Cic. *Leg.* 2.42; Dio 38.17. ⁵¹ Cic. *Dom.* 144.

⁵² Ibid. (*tu sororem tuam virginem esse non sisti*). Once again this highlights the lack of context available to scholars on the *De Domo Sua*, since Clodius appears to have delivered an equally virulent attack on Cicero beforehand. Lacey (1974: 85–92) stresses that both men did, in fact, have some claim to the moral and religious high ground in this debate, and neither was totally in the right. Cf. Rundell (1979: 301–28).

The underlying symbolism of Cicero's dedication of Minerva connected him to the well-being of the State. By this action Minerva became the antithesis of Clodius' *Libertas*. In the *De Legibus* Cicero mentions the dedication of his 'guardian of the city (*custos urbis*)' in immediate reply to the description of Clodius' 'shrine to Licence' (*templum Licentiae*). The term *templum* is never used in the *De Domo Sua* with reference to Clodius' dedication, further emphasising Cicero's refusal to accept its legitimacy; hence in the *De Legibus* it appears only with reference to Licence, again illustrating Cicero's view of its dedicator.⁵³ Yet while Cicero's Minerva might be used as a religious opposite to Clodius' *Libertas*, he could make an even stronger appeal to his audience – one that built upon his initial refusal to accept the legitimacy of the dedication.

The home of a Roman was more than the building itself. The deeply embedded rituals of the household gods played a significant role, both physically and in the minds of Roman citizens, and Cicero makes one of his most powerful and personally invested pleas based on this feeling:

quid est sanctius, quid omni religione munitius quam domus unius cuiusque civium? hic areae sunt, hic foci, hic di Penates, hic sacra, religiones, caerimoniae continentur: hoc perfugium est ita sanctum omnibus, ut inde abripi neminem fas sit.

What is more sacred, more protected by every form of religious sanction, than the home of each and every citizen? Here his altars, hearths, and *Penates*, his rites, religion and ceremonies are preserved. It is a refuge so sacred to all men that it is not *fas* for anyone to be torn from it.⁵⁴

Through this plea, Cicero exposes Clodius' attempts to undermine the most sacred traditions under the guise of religion. Just as he had done with Catiline, he worked to isolate Clodius and his followers entirely from 'decent society' and *mos maiorum*. Anyone who assisted Clodius in the pillaging of his property is labelled *sceleratissimus* for their violation of these ancestral values.⁵⁵ Cicero had made it clear from the outset of the speech that these were matters of direct concern for the Pontifical college, arguing that in their decisions were entrusted 'the dignity of the state, the safety of all her citizens, their lives, and their liberty (*libertas*), their

⁵³ Cic. *Leg.* 2.42; Allen (1944: 8); Stroh (2004: 320); Dyck (2004: 364–5); MacKendrick (1995: 174–5) notes that 86% of antitheses 'pit, in one way or another, virtuous men . . . against evil Clodians'. For consideration of Cicero's Minerva and the wider household cult, cf. Bodel (2008: 248–55).

⁵⁴ Cic. *Dom.* 109; Heibges (1969: 307); Berg (1997: 139); Hales (2000: 54–5).

⁵⁵ Cic. *Dom.* 108. This referred to the looting and burning of Cicero's Palatine house, which immediately followed his departure.

altars, hearths, and household gods, their goods, fortunes and homes'.⁵⁶ According to Cicero, it was the duty of the college to protect his house and its *religio*, while the calculated inclusion of *libertas* in the list of their cares indicated that both lay outside the jurisdiction of one such as Clodius.

In the seizure of Cicero's property, therefore, Clodius is shown to have offended ancestral tradition once again, as well as the sanctity attached to a citizen's home. This 'Liberty' is not his to offer, and she cannot drive away Cicero's *Penates*. Because of the sanctity accorded to such spirits, as well as the actions of those who joined Clodius in pillaging the site, it is sacrilege to have even made such an attempt.⁵⁷ Indeed, in Cicero's view, Clodius' Liberty is only one part of the overarching *scelus* surrounding the confiscation of his house. As a result, Cicero has twisted the political issue again into the sphere of religion, despite promising early on to avoid such discussions out of respect for the pontiffs' authority,⁵⁸ and Clodius' actions move from theft and arson to religious desecration, for which the language of pollution appears to have been both appropriate and persuasive. The restoration of Cicero's house is presented as avoiding divine offence (to his *Penates*), rather than invoking it through the removal of *Libertas*. Cicero's religion is the older, more venerable form, in keeping with those values the pontiffs are charged with upholding. Of course the political events of recent decades played an important part in Cicero's attempts to unnerve his listeners, and though he used the violation and subsequent pollution of religious custom as the basis for his attacks, he was still careful to draw parallels between Clodius' actions and the proscriptions implemented during the dictatorship of Sulla, citing such punishments as the hallmark of any tyranny.⁵⁹ Nevertheless, in making his appeal Cicero repeatedly cites the preservation of altars, hearths and household gods as the most important business for the pontiffs, making their decision more religiously pressing, and Clodius' actions more religiously offensive.

Cicero did not just represent Clodius as a threat to the households of others, but also discussed the damage he had done to his own family, along with his wider social ties. Once again the themes of pollution and the threat of contamination were key rhetorical weapons used in depicting Clodius' further subversion of traditional Roman values. As a member of

⁵⁶ Cic. *Dom.* 1 (*omnis rei publicae dignitas, omnium civium salus, vita, libertas, arae, foci, di penates, bona, fortunae, domicilia*). Cf. Szemler (1971: 106–7).

⁵⁷ Bodel (2008: 251). ⁵⁸ Cic. *Dom.* 32–3; Nisbet (1939: 94–6).

⁵⁹ Cic. *Dom.* 43–4; *Dom.* 79 sees Cicero arguing that Clodius had outdone Sulla for cruelty and unlawfulness by attempting to deprive an ex-consul of citizenship through the force of armed thugs. See also MacKendrick (1995: 157).

the Claudii, and therefore a member of the patrician elite, Clodius was required to undergo adoption into a plebeian family to make his election to the office of tribune possible. In relating these details, Cicero chose to focus on Clodius' abandoning of his family's *sacra gentilicia*. Clodius is, of course, so impure in Cicero's eyes, that he damages the strength of his original family *sacra* through his withdrawal, as well as contaminating the family he now joins, all of which is shown to be contrary to the natural order and utterly irreligious. He argues that 'therefore, by the subversion of rites and the contamination of families, both that which you abandoned and that which you have polluted . . . you have acted against all that is *fas*' (*ita perturbatis sacris, contaminatis gentibus et quam deseruisti et quam polluisti . . . factus es . . . contra fas*).⁶⁰ Again we are left in no doubt that 'pollution' and 'contamination', as well as deviation from established ritual, were key weapons in Cicero's dismissal of Clodius' dedication and his attempts to sway the decision of the pontiffs.

Cicero subsequently augments this picture for rhetorical effect when he asks what would happen if all patricians became plebeian for political purposes: 'Soon the Roman people will have neither *rex sacrorum*, nor *flamines*, nor *Salii* – they will lose half their priests'.⁶¹ Cicero's hyperbolic line of attack remains the same – Clodius damages the religious stability of the State through his every action, whether to others deliberately, or to his own family through his mere presence. Each of Clodius' actions in public life is shown to be impious, their effects threatening. The danger to the community as a whole is therefore best illustrated by Cicero in terms of contagion, with the label *pestis* being applied nine times to Clodius, his actions and his immediate associates involved in Cicero's exile and the confiscation of his property.⁶² Even the downfall of Cicero, brought about by Clodius, is referred to as the 'corruption' (*pestis*) of a good element within the state, indicating the dangerous influence of Clodius' tribunate, which might threaten the pontiffs themselves at any time.⁶³

Incest

Allegations of impurity concerning Clodius' private life also appear prominently in the *De Domo Sua*, almost equalling his public disgraces with regard to the Bona Dea and the public dedication of Libertas (when he

⁶⁰ Cic. *Dom.* 34–5.

⁶¹ Ibid. 38 (*ita populus Romanus brevi tempore neque regem sacrorum neque flamines nec Salios habebit nec ex parte dimidia reliquos sacerdotes*).

⁶² *Dom.* 2, 5, 14, 24, 26 (twice), 72, 85, 99.

⁶³ MacKendrick (1995: 168–9); Cic. *Dom.* 26.

brought these various impurities into the boundaries of religious ritual). Slanders of this sort appear commonplace in Latin rhetoric and, as Stroh has noted, excess of it forms the basis of much modern criticism of the *De Domo Sua*.⁶⁴ Sexual innuendo and open ridicule are attached to Clodius and all those associated with him.⁶⁵ It is through the implied element of *contagio* that these attacks are intended to affect the consecration of the shrine of Libertas.

The most obvious and well-known accusation of Clodius' sexual impurity concerned his incestuous relationship with his sister, Clodia. Though such allegations could be aimed at any prominent public figure (Cicero included),⁶⁶ there appears to be a greater degree of certainty concerning P. Clodius. Kaster notes that 'for all the savage things C. says about his enemies, he makes this charge about no one else'.⁶⁷ The sheer frequency of Cicero's allegations about Clodius' incestuous relationship must indicate such rumours to have been rife amongst many in the senatorial class, and he would later reveal that L. Lucullus had been confident enough to swear on oath that an investigation had confirmed Clodius' guilt.⁶⁸

In the *De Domo Sua* the allegation is most clearly levelled in chapter 92, with the statement 'you have not allowed your sister to be a virgin' (*tu sororem tuam virginem esse non sisti*), and suggests that the charge was already known amongst the pontiffs. In examining the *De Haruspicum Responsis*, Lenaghan recalls Clodius' trial *de incesto* following the Bona Dea scandal, and notes that while this might be used to refer to the presence of the Vestals at the ceremony, it cleverly called to mind all existing gossip concerning Clodius' relations with his sisters while simultaneously enhancing Cicero's portrayal of Clodius as *nefas*.⁶⁹ Similar tactics in the accounts of sexual impurity are present in the *De Domo Sua*. So when Cicero describes Clodius as a man who polluted (*polluit*) religious ceremonies by his 'twisted depravity and lust' (*incesto flagitio et stupro*), he reminds his audience of every form of sexual impurity attributed to Clodius in the past, further

⁶⁴ Stroh (2004: 314–16).

⁶⁵ Leach (2001: 355–9) stresses Cicero's repeated 'feminisation' of Clodius throughout Cicero's attacks on his Clodius.

⁶⁶ Cicero was accused in a report of committing incest with his daughter Tullia, which demonstrates how easily such claims could be made in republican politics; [Sall.] *Invectiva in Ciceronem* 2.1–2; Dio 46.18.6.

⁶⁷ Kaster (2006: 411). Cf. Skinner (1982: 197–208).

⁶⁸ Cic. *Mil.* 73. Also *Har. Resp.* 39, 59; *Sest.* 7.16, 17.39; *Cael.* 32, 34, 36, 78; Catull. 79. For examination of the allegations see McDermott (1970: especially 43–4); Tatum (1999: 42, 73–4, 90); Kaster (2006: 409–11). It must also be noted, however, that L. Lucullus was a known enemy of Clodius, and husband of Clodius' youngest sister, Clodia Luculli.

⁶⁹ Lenaghan (1969: 61). See also MacKendrick (1995: 158–9).

augmenting the seriousness of his crimes and suggesting contamination of his own acts of religion.⁷⁰ Similar references see Clodius conducting the dedication *praeposteris verbis, omnibus obscaenis* ('with muddled words and with every form of indecency'),⁷¹ and the implications of impurity, particularly sexual, are again pushed into the audience's imagination.

The illegality of incest aside, sexual deviancy could be frowned upon by the austere, but tolerated at the expense of some personal prestige. When this impurity entered the confines of sacred space, however, Cicero presented the danger of contamination as far greater. In the case of the Bona Dea, it could mean the deliberate pollution of the ritual, or, equally serious, the damaging of the Vestal Virgins' sanctity.⁷² In the case of Clodius' *consecratio*, by his involvement both with the ceremony and with the presiding *pontifex*, he damaged the sanctity of the dedication. When describing the scene of the dedication and the inexperience of Clodius' relative and *pontifex*, Natta, Cicero was careful to connect the pontiff with the impurity and *scelus* of Clodius and his sister, as well as rhetorically forcing isolation onto them as he had done to Catiline.⁷³

Bloodshed and public temples

Clodius' corruption of religious space and ritual did not end with sexual impurity. Cicero could, in fact, call upon a more widely known aspect of his political activity to illustrate his disregard for decency toward religious custom, his use of mob violence as a political tool – a tactic that appears to have occasionally spilled over into the boundaries of religion.⁷⁴ An important factor in this argument was Clodius' alleged use of the Temple of Castor, situated in the Forum, as a rallying point for the orchestration of his forces. Though in the speech the temple is only twice named directly in relation to Clodius, the implications elaborated by Cicero were damaging nonetheless.⁷⁵ In discussing the use of violence to push through his agenda,

⁷⁰ Cic. *Dom.* 105 (*istius, qui non solum aspectu, sed etiam incesto flagitio et stupro caerimonias polluit . . .*).

⁷¹ Cic. *Dom.* 140. The wide-ranging implications of *obscaenus*, suggesting sexually impure, foul, polluted or inauspicious, neatly illustrates the general portrayal of impurity for which Cicero was aiming.

⁷² Latte (1960: 230); Scheid (1981: 131–3). The presence of the Vestals may explain why Clodius was tried *de incesto*. Though threatened by the presence of sexual impurity, the Vestals were not otherwise involved in his crime, making judgement uncertain. On charges of *incestum* against Vestals, see Cornell (1981: 26–37).

⁷³ Cic. *Dom.* 135 portrays Natta as falling victim to the *scelus* of those around him.

⁷⁴ On Clodius' calculated use of violence, see Lintott (1967: 157–69).

⁷⁵ Cic. *Dom.* 54, 110; Cic. *Sest.* 34–5 also refers to this incident, both directly and by the statement that there were 'arms in the temples' (*arma essent in templis*); Kaster (2006: 200–1).

Cicero reveals that Clodius used the Temple of Castor as a base in which he could plot and store weapons, adding that the steps of the temple had been torn up, allowing Clodius to continue his lawlessness in safety.⁷⁶ This was later referred to when Cicero stated that Clodius had denied people the freedom to enter this temple, further mocking the idea of Clodius being the champion of liberty in Rome.⁷⁷

The following year, in 56 BC, the temple was still clearly accessible in some manner, since Cicero, in the *Pro Sestio*, recalls how the tribune Sestius' attempt to announce unfavourable omens was interrupted when he was attacked by Clodius' gang and left for dead. He barely survived, and Cicero bitterly accused Clodius not only of violating the sanctity of a presiding tribune, but also of being the orchestrator of violence, when 'a tribune of the *plebs* stained a temple with his blood (*cruentavit*)'.⁷⁸ Cicero carefully repeats that the act took place within a *templum* as well as describing in quick succession the scene, the cause, and the magistracy as *sanctissimus*. Cicero asks his audience what would have happened had a tribune been murdered at that time, his sanctity violated 'by nefarious pests, in the sight of gods and men, in a most sacred temple, in the most sacred of duties, while serving in the most sacred of magistracies'.⁷⁹

The wider context of these comments is vital to our understanding of their rhetorical power. The early 50s BC saw some of the bitterest scenes of mob violence in the run-up to the civil wars, with senators such as Sestius at times being openly attacked in the streets.⁸⁰ In the *De Domo Sua* Cicero played on senatorial fears, particularly with his descriptions of reprobates and slaves being involved, further emphasising the links between Clodius' attitudes towards senatorial authority, and those of Catiline. The following year, Cicero would bring up Clodius' use of slaves to break up the Megalesian Games, citing this as one of the many sources of Clodian pollution responsible for the outbreak of prodigies discussed throughout the *De Haruspicum Responsis*.⁸¹ Always this served to contrast Clodius' followers with Cicero and the *boni*. That Clodius should choose to use the Temple of Castor as a site from which to organise bloodshed in the Forum,

⁷⁶ Cic. *Dom.* 54 (*cum arma in aedem Castoris comportabas, nihil aliud nisi uti ne quid per vim agi posset machinabare?*). See also *Sest.* 85.

⁷⁷ Cic. *Dom.* 110; Nisbet (1939: 162–3).

⁷⁸ Cic. *Sest.* 80. For Clodius as *cruentus*, cf. *Dom.* 106; *Har. Resp.* 35; *Mil.* 20.

⁷⁹ Cic. *Sest.* 83, 85 (*a nefariis pestibus in deorum hominumque conspectus... sanctissimo in templo, sanctissima in causa, sanctissimo in magistratu*).

⁸⁰ Syme (1939: 20–5); Brunt (1966: 3–27); Lintott (1999: especially 175–203); Cic. *Att.* 4.3.3; *Sest.* 35, 75–7; Plut. *Cic.* 33.4.

⁸¹ Cic. *Har. Resp.* 22.

further destabilizing the volatile situation of the time, added greater weight to the accusation that Clodius used religion for personal and political purposes, just as he had in the dedication of Cicero's property. Though the risk of divine anger towards such actions is not specifically mentioned, it appears as part of a wider effort to impugn Clodius' regard for religion in general. While Tatum argues that Cicero overstates Clodius' use of the Temple of Castor, claiming that it was not transformed or used as a personal fortress, the removal of the stairs appears to have been a calculated action.⁸² Cicero continued to describe this as a base for Clodius' dealings with 'impure' and 'nefarious' colleagues who plotted assassinations against the most prominent men of state even after the restoration of his property. This included the use of the *scelestus* mob that attacked the Megalesia, armed with equally polluted weapons, all represented as decidedly out of place and dangerous, within religious boundaries.⁸³

The inclusion of the Temple of Castor in Cicero's argument serves as another example of Clodius' disregard for religious authority, further undermining the power of any dedication he might make. Interruption of the Bona Dea rite resulted in *scelus*, and so compromised divine favour through the deliberate obstruction of religious procedure. The seizure of the Temple of Castor caused a similar affront to the gods, and if Augustus' subsequent temple restorations represented the expiation of Roman guilt,⁸⁴ Clodius' demolition and sacrilegious exploitation of a temple emblematised the very disrespect of the gods, which was thought to trouble the last years of the Republic.

Previous reversals

Throughout Cicero's political speeches we see attempts to contrast his opponents with the best elements of the state, both to blacken their characters and further emphasise his own sense of duty and devotion.⁸⁵ This, too, is used to enhance his case against Clodius' dedication through the historical precedents he was able to call upon, where dedications were annulled by the *pontiffes*. Naturally there were very few instances in Roman history where a dedication was required to be investigated, but Cicero recalled the actions of a Vestal named Licinia in 123 BC: 'she dedicated an altar, a small shrine, and a sacred couch under the Rock' (*aram et aediculam et*

⁸² Tatum (1999: 143–4). ⁸³ Cic. *Har. Resp.* 28, 49.

⁸⁴ Hor. *Carm.* 3.6.1–4; Nisbet and Rudd (2004: 97–103).

⁸⁵ Cic. *Leg.* 2.43 illustrates this sentiment: *videmus eos, qui nisi odissent patriam, numquam inimici nobis fuissent.*

pulvinar sub Saxo dedicasset).⁸⁶ However, upon referral to the pontiffs it was decided that the consecration was invalid. Cicero emphasises the religious authority that accompanied the dedication by recalling the status of the Vestal as *sanctissimo sacerdotio praedita*.

Also examined was the case of the censor C. Cassius, who proposed the dedication of a statue of Concord within her own temple, which the pontiffs decided could not be correctly offered without an official plebiscite.⁸⁷ These examples allowed Cicero to effectively combat the sanctity of Clodius' consecration, first, in the case of Licinia, by proving that it was not unheard of for the pontiffs to decide to remove the sanctity of a site *after* it was offered; second, by providing the procedural technicality for the pontiffs to cite in their judgement, and finally by stressing the status of those who had made the offerings. Both the Vestals and the censors were paradigms of Roman *castitas* and *pietas*. Both were chosen for their purity, physical and moral, in which areas Cicero had worked so hard to illustrate Clodius' deficiencies. The tribune's actions are contrasted with the honest dedication of a sacred image, within a pre-existing *templum*, as the violation of religion, through his *nefarius* dedication, which represents his rejoicing over the Republic's turmoil, actions to be expected from the 'impious enemy of all religion'.⁸⁸

Conclusion

Burriss argued that in the *De Domo Sua* Roman state religion was put on trial by Cicero, that if religion could now be used for improper purposes, contrary to the best interests of the Republic, the credibility of traditional *religio* would be shattered.⁸⁹ Ultimately, of course, the arguments of Cicero and Clodius cannot be viewed simply as good versus bad, but rather as differing interpretations of political and religious 'right', and Cicero, as ever, argued his interpretation artfully.⁹⁰ By the end of the *De Domo Sua*, Clodius' *Libertas* is simply one in a long list of figures who have fallen victim to his impure and contagious actions. No aspect of his life remains unstained by Cicero's attack: his person, his family, his friends, his actions.

⁸⁶ Cic. *Dom.* 136. The 'Rock' is thought by Frazer to refer to a niche in the Aventine connected to Bona Dea, and not the Tarpeian Rock, to which *Saxum* usually refers in Latin literature; Ov. *Fast.* 5.147–50; Frazer (1929: IV.16–19). Val. Max. 1.1.8 similarly demonstrates pontifical power in blocking dedications on technical grounds.

⁸⁷ Tatum (1993b: 319–28); Orlin (1997: 166–7). For the intended location of the dedication to Concord see Cic. *Dom.* 130–1, 137.

⁸⁸ Ibid. 139 (*impius hostis omnium religionum*).

⁸⁹ Burriss (1926: 525); Cic. *Dom.* 1–2. Cf. Emilie (1944: 538). ⁹⁰ Goar (1972: 48).

Each of these comes together to ensure that no part of his *consecratio* stands unsullied. Just as an augur annulled actions by the recording of ritual imperfections, Cicero attempted, successfully, to demonstrate the vast *scelus* surrounding the ritual concerning his house. Clodius throughout his life has polluted himself physically and religiously, and from him the infection has spread, taking hold of his sister, and through them it corrupted the dignity and religious authority of the presiding pontiff, L. Pinarius Natta.⁹¹ The weak and cruel consuls who permitted the outrage to occur are similarly besmirched. The very image commemorating this attack upon a servant of the Republic is impure and out of place, contaminated in various forms by sex, death and sacrilege, both in its theft from its sepulchre and in its placement in conflict with Cicero's ancestral religion. Clodius has offended the 'Liberty' he claims to champion, along with the *Penates* of Cicero's home – which, Cicero argues, shall represent the household gods of every good Roman, should Clodius be permitted to carry out what is essentially a proscription against a private citizen.⁹²

Although the *De Domo Sua* was successful in its context, this has not automatically led to favourable views from modern scholarship.⁹³ As has been suggested, its subsequent poor reception may partly rest upon the fact that we have very little information about Clodius' own speech, and thus cannot measure the skill with which Cicero countered his attacks. The technicality requiring ratification by the people for a dedication to stand may have been a strong enough argument to settle the issue entirely. If this was the case, then perhaps scholars are correct to view the speech as excessive in length and polemic, but then the question remains – why did Cicero do it? It is unacceptable to assume Cicero's emotions simply overtook him in such a crucial speech that otherwise illustrates such well calculated arguments, which, although lengthy, appear to deal expertly with each and every aspect of Clodius' dedication. Even the technicalities of the ritual have doubt cast upon them, and the use of a single, inexperienced pontiff for a public dedication is used at least to suggest that even if it could be denied that the proceedings had been polluted, they might also be alleged to have been inadvertently flawed. The *De Domo Sua* appears to go further than any surviving piece of Roman rhetoric in using pollution as a key weapon in the question of ritual validity, and as such is an excellent source for Roman ideas about religious pollution. At the heart of this was the concept of *scelus*, which could be incurred by various means of

⁹¹ Cic. *Dom.* 118. ⁹² Cic. *Dom.* 106. Cf. 43, 79.

⁹³ Cf. Stroh (2004: 313–14, with bibliography); Mitchell (1991: 117–20).

moral, physical and religious transgression. In the examples discussed by Cicero, the greatest emphasis was placed upon deliberate action as opposed to accidental ritual flaws. This is where the final inextinguishable offence lay – not that mistakes occurred, but that Clodius deliberately designed and executed them.

Through the examination of a source such as the *De Domo Sua* we see the validity and importance of pollution within both Latin oratory and in official religious proceedings under the Republic. The themes addressed across our previous chapters are drawn together, and allow for a new interpretation of an otherwise neglected text. The speech itself demonstrates the intellectual currency of pollution, and Cicero employs a wide variety of the terms we have identified in [Chapter 1](#) (in particular, *scelus/scelerare*, *polluere* and *nefas*), in order to achieve his goals.

There can be no doubt that the *De Domo Sua* represents a valuable piece of evidence for pollution during the Roman Republic, which appears not only to be prominent, but also pivotal to proceedings. Furthermore, by examining Cicero's use of impurity we see how attitudes towards pollution were shaped, as much as revealed, within this ongoing discourse. This is not to say that pollution is of no relevance in other pieces of rhetoric. We have already seen the presence of pollution in another official religious ruling of the *haruspices*, issued in the year after the *De Domo Sua* was delivered, and to which Cicero felt compelled to respond in his *De Haruspicum Responsis*, again citing the pollution caused by Clodius as the cause of portentous events.⁹⁴ In this speech, Cicero repeated many of the charges he had levelled in the *De Domo Sua*, but was also able to employ new material based on Clodius' actions in the intervening year.⁹⁵ We see, therefore, that pollution was not a static concept in Roman religion. It could be shaped and interpreted by events, but also by orators, who could view sex, bloodshed or death as fitting devices for swaying their audiences.

⁹⁴ Cf. Bruwaene (1948: 81–92).

⁹⁵ Cic. *Har. Resp.* 22–4 focuses on Clodius' use of mob violence to break up the *Megalesia* festival in 56 BC, citing this as the source of pollution referred to by the soothsayers.

Conclusion

The town of Banaras lies on the banks of the Ganges in northern India, and is a centre of one of the most curious and controversial of Hindu sects, the Aghori. They are reviled by many Hindus for their seemingly outlandish practices, which are alleged to include cannibalism; the consumption of urine, vomit and faeces; and the refusal to distance themselves from death, or those afflicted with leprosy (a disease which remains a highly charged source of stigma and revulsion in modern India).¹ They both dwell and worship in graveyards and places deemed 'unsuitable' by traditional Hindus. They engage in sexual intercourse with members of untouchable castes and menstruating women, they are renowned for drinking from human skulls, smearing themselves with (and consuming) the ash from funeral pyres, and worshipping whilst sitting on the torsos of unburied corpses. As a result of such behaviour, rumours abound about even darker forms of the Aghori's worship, which some have alleged extend to human sacrifice, although this claim remains disputed.²

In performing these numerous acts the Aghori have a deliberate aim. One of their primary beliefs is that all boundaries, social and religious, are illusory, and prevent humans from achieving their spiritual potential. By removing such boundaries, the Aghori feel that they are liberated. Many of the ideas concerning these boundaries are derived from the highly regulated Indian caste system, as Parry observes:

In orthodox caste society, polluting contacts between castes must be eliminated in order to preserve the boundaries of the group, for which – as Douglas (1966) argues – the boundaries of the body often serve as a metaphor. The Aghori's inversion of the same symbols of body margins implies exactly the opposite message. With the destruction of boundaries

¹ Parry (1982: 74–110; 1985: 628; 1994: 250–64); Barrett (2005: 216–30; 2008, especially 5–12, 29–56, 138–66).

² Gupta (2006: I.43).

entailed by the consumption of flesh, excrement and so on, goes an affirmation of the irrelevance of caste boundaries. Coming at the issue in a more general way . . . we might also note the relationship which exists between liminal states, the suspension of the hierarchical structure of everyday life, and a stress on a vision of an unhierarchised and undifferentiated humanity.³

The 'order' of the society is recognised, and subsequently rejected, by the Aghori. The removal of social constraint is demonstrated by the rejection of bodily taboos surrounding religious purity and physical cleanliness. The result, however, is not a universally shared feeling of disgust or fear on the part of the uninitiated. The deliberate actions of the Aghori lead to their being attributed great powers, which can be used for beneficial purposes. Their bodily emissions are thought to be able to cure a number of maladies and bestow good luck upon recipients. The human body is primarily a source of power, not merely pollution.

Were we ignorant of the broader religious aims of the Aghori, their practices would sit well alongside the tall tales told of far-off nations by writers such as Herodotus and Strabo. Their spontaneous acts of cannibalism and contact with corpses are reminiscent of numerous ethnographic reports, based on hearsay and third-hand information, of the various peoples who lived farthest from the 'civilised' world of the Mediterranean. Their actions might even be compared to other groups closer to home. Stalking around the outskirts of the city amongst the unburied or recently cremated dead, seeking body parts to consume or to use in religious ceremonies, the Aghori might be compared to the horrific witches of Latin literature, Horace's Canidia and Lucan's Erictho.⁴ Alternatively, by deliberately consorting with the lowest members of society, including sharing meals and drinking vessels, the Aghori call to mind the humorously low-born characters of Petronius and Juvenal.⁵ But, knowing the goals behind their actions, none of these comparisons can do justice to the complex and calculated reasoning behind their rituals. Their actions are not born of mindless barbarism. Rather, they demonstrate an appreciation of the human desire for order and the role of dirt within this perceived order. Seeing this as restrictive, they wish to demonstrate that, whatever the cause or benefits of this order, it has been inappropriately used in Indian society to promulgate the idea that 'pollution and blame are necessary ingredients for a lasting solidarity and that individuals can do little to resist such

³ Parry (1982: 99). ⁴ Hor. *Epod.* 3.8, 5.15–49; Luc. 6.507–830.

⁵ For example, Petr. *Sat.* 37; Juv. 8.173–8.

institutions'.⁶ Their outlook regarding pollution is inevitably joined to the rich and ancient values of their own society.

For philologists and ancient historians considering ancient Greece and Rome the approaches of modern anthropology present many attractions, but also some problems. Anthropologists may spend years living within their society of study, soaking up the language, culture and daily life of a people before even beginning to compile research data. Such an approach is not available to us. At the turn of the twentieth century, comparative anthropology was used almost blindly in the search for patterns of human behaviour. But the Aghori tell us nothing about Rome; viewing them tells us more about ourselves. For many anthropologists, the over-general theories discussed by Douglas were problematic. For Meigs, Valeri, Barrett and others, Douglas' theories presented a first step, which must be carefully analysed and adjusted in light of fieldwork data, as each culture emphasises different values concerning what is 'dirty', and will develop and adjust many of these ideas over time. Across Roman literature we have seen various forms of disgust, with biological matter and bodily emissions lying at the heart of many such responses. We have also observed how rituals are built up around these feelings, and how religion often reinforces 'acceptable' behaviour. The lower groups classified as 'polluted' may be socially and, in a number of cases, geographically marginalised by the majority. Roman society aimed to control impurity where it was unavoidable and to give clear signals of the danger to those most at risk. Those whose actions could not be controlled, whether they were an unchaste Vestal, a prostitute, a witch or a parricide, elicited some of the strongest responses and caused the greatest pollutions, representing, as they did, the greatest threats to social conventions.

One of the greatest contributions made by Parker in his investigation into Greek pollution was his successful integration of Douglas' anthropological theories with established classical methods, particularly his use of philology. Just as later anthropologists modified Douglas' theories through fieldwork, Parker was able, through his approach, to bridge the gap between anthropological theory and classical scholarship. Over the course of this investigation we have encountered a great quantity of material, and while parts of this study have been influenced by Parker's approach to Greek religion, by necessity it has taken a different path on a number of occasions. This has often been dictated by the nature of our surviving source material, which points to a number of differences between Greek and Roman

⁶ Barrett (2008: 165).

ideas and practices. On other occasions, such as the examination of corpse disposal, and particularly throughout [Chapter 3](#), I have chosen to take a different line, not only because the evidence differs from that of Greece, but also, in these cases, because it is evident that a detailed consideration of blood as a physical substance is one of the few significant omissions from Parker's study. Similarly, [Chapter 5](#) represents perhaps the greatest break with studies of both ancient and modern pollution, in that it considers not only how various forms of pollution factor into a single, detailed primary source, but also explores the ways in which attitudes to pollution were, themselves, further shaped and negotiated by the discourses which gave them expression. Through Cicero's speeches against Clodius we can see one such discourse unfolding and examine it within its historical, political and religious contexts.

The primary goal of this book has been to demonstrate that pollution in pre-Christian Rome mattered, particularly in the domain of ritual and religion. This is a very basic point, but one that still needs to be emphasised given the general lack of consideration it has received. In the vast field of classical scholarship, Roman religion remains one of the most active areas of study. Each year numerous volumes are published on the subject, constrained by the often fragmentary and disparate nature of the ancient sources. Some discuss rituals of purification, or the role of purity in religion. A select few talk of pollution and impurity in certain circumstances, but still there has been no comprehensive attempt to study the various forms of pollution that appeared across Roman life. It has always been assumed that we all knew what was meant.

The publication of Parker's *Miasma* led to greater recognition of pollution as a major factor in subsequent studies of ancient Greek religion. Indeed, his work was deemed so thorough by many as to effectively close the debate on the subject, and only the recent work of Bendlin has moved the subject forward in any significant way. The aim here has not been to end the debate. Given the differing nature of Roman attitudes to pollution from the Greek tradition, and the fact that less attention has been given to Roman impurity as a whole, its aim has been to show the need to integrate pollution fully into studies of Roman religion and society, and to develop a more nuanced understanding of how these concepts contributed to the rituals and discourses of Roman life.

In attempting to achieve these goals a number of recurring themes have emerged. It is evident that the human body played a major role in Roman ideas of pollution and contagion, and that bodily impurities could become symptomatic of wider disorder, whether in human society or the *pax deorum*

(if, indeed, the two were ever truly separate). Even on those occasions where the human body did not feature in examples of pollution (such as in many of the prodigies recorded by the *pontifices*) the transgression of natural, social and physical boundaries might indicate imbalance, and on such occasions the rituals which 'set things right' employed a number of purificatory actions (sweeping, washing, burning, removal, burial, etc.) along with the reaffirmation of a boundary's integrity. In such cases the theories of Douglas and Turner on the power and danger attributed to liminal beings or places help us to understand the roles and significance of various figures, spaces and rituals, for example, the ritual sweeping of the house threshold following both births and deaths.

Chapter 1 demonstrates that while the Latin language has no direct equivalent of *miasma*, nevertheless it possesses a wide range of overlapping categories that suggest complex and sophisticated systems. Within the list of terms it explores are words referring to acts of transgression, mixing and staining, but some terms refer more directly to the human body and the substances which it produces or by which it is threatened. In cases such as the seizure of temples and sacred spaces by invading enemies, the issue of transgression is pivotal, for example, to our interpretation of *lustrare*. The chapter demonstrates that the restoration of a boundary's integrity can be linked directly to ideas of purification and order, anticipating the wide-ranging acts of purification and cleansing with which *lustrare* came to be associated by the late Republic. Apparently secular terms such as *scelus* were utilised to great effect in religious contexts when referring to offences that marked out the guilty as polluted and a source of contamination to others. The notion of staining oneself through crime in particular highlights the emphasis placed on polluting actions. The chapter demonstrates the ways in which examination of linguistic categories can provide a foundation for the study of pollution, and highlights certain patterns, such as the need for separation and removal, that are reflected across all subsequent chapters.

Chapter 2 explores a number of key themes in Roman religious pollution that are related to, or triggered by, sex. This represents the first stage of our wider examination of the human body and begins with pollutive associations in the processes of birth and reproduction. While sexual activity appears largely to have been incompatible with sacred space, it was not universally excluded. Its inclusion in rites like the Floralia was essential in highlighting, and thus defining and controlling, its place in Roman society and religion. Indeed, in such cases, control appears to have been a central motif, and the means of distinguishing between what was threatening and what was not. Once again we see Douglas' use of the body as a microcosm

of society appear in various guises. The chastity of *virgines* and the fidelity of *matronae* were essential for social order, and at times could be linked to the fertility of the land itself. Similarly, the bodies of the Vestal Virgins could be interpreted as symbols of the inviolability of Rome. Their permanent state of liminality meant that they were removed from the 'typical' social hierarchy, which imbued them with a powerful religious status and aura. In all such cases, damage to the system could be voiced using the language of impurity, mixing and pollution, just as it could be rectified by purification. The chapter closes with a study of the phenomenon of menstruation, which bridges the space between sexuality and blood, and was shown to have been a potent source of pollution in Roman thought.

Chapter 3 extends some of the themes from Chapter 2 by focusing on the shedding of blood. Blood represented a powerful and dangerous bodily fluid that could cause indelible physical stains to objects, spaces, and people. In cases of parricide we have seen it described as staining the offender so deeply as to pollute the soul. While pollution does not appear in the earliest law codes, the frequency with which it appears in the rhetoric surrounding parricide, combined with the highly ritualised method of execution/disposal for such men, implies that the substance's pollutive qualities continued to hold currency in the Roman mindset. Even in cases where blood had not been shed it remained an ideal means of visualising the crime and the guilt of those responsible. When blood was shed during animal sacrifices it clearly performed a vital function, and when all sacrificial procedures were correctly observed blood was not a source of fear or disgust, although it remained an essentially 'messy' substance, a point that is not reflected in artistic representations. Only on those occasions where it was shed incorrectly, or when it was found to be unusual or diseased was it presented as 'matter out of place'. Physical disease or sickness signalled disorder in the *pax deorum*, and so became pollution. With the shedding of human blood in religion we see a more unequivocal view of blood as polluting and impious, hence its use in literature as a means of differentiating Roman civilisation with foreign barbarism. On those occasions when the Roman state resorted to ritual murder in religious contexts the methods of execution frequently avoided shedding the blood of the victims through methods such as drowning or live interment, which occurred away from public view. Whether we interpret specific cases as sacrifice or not, the care that was so often taken to avoid shedding human blood in religious contexts appears to be relevant. The chapter concludes with the issue of bloodshed in war. Blood on the battlefield appears not to have posed any real threat to Roman soldiers,

although attempts may have been made to conceal bloodstains through the use of red garments. While the debate remains open, victorious soldiers participating in triumphal ceremonies may have required some degree of purification, but only because of their inclusion in a religious ceremony, not as part of their return to civilian life. In cases of military victory blood could be the perfect symbol of Roman triumph. In the case of Marius' victory over the Cimbri, even the prospect of Roman soldiers consuming barbarian blood receives praise, not condemnation. However, in civil war we see how the shedding of Roman blood became one of the greatest of pollutions, which deeply polluted the state and required extraordinary acts of expiation. Those generals deemed responsible for the outbreaks of civil violence are condemned by ancient sources, which frequently combine the images of tyranny, cannibalism and blood pollution in their depictions. Despite the prominence of bloodshed in Roman life, the chapter demonstrates that it remained a powerful substance that was felt to require control.

Chapter 4 focuses primarily on the corpse in the immediate aftermath of death. The chapter argues that following a death in a Roman household, a highly ritualised process began, and that this was essential for ensuring that the pollution did not spread beyond the family, or harm those particularly susceptible to its influence. This began with the removal of the corpse and the separation of the departing spirit from the household. The chief stages in this process of separation were marked by acts of cleaning and purifying. All those operating within the range of this process were tainted and were required to demonstrate this to wider society through their dress, appearance and separation from normal activities. For those tasked with the removal of the city's corpses these measures could become legal requirements, to which they were subject as long as they worked in the profession. Like the 'untouchable' corpse handlers in India, they existed on the outskirts of society. Their impurity was such that even their bathing might have to be kept separate from the rest of the populace. The chapter concludes with an examination of those periods in which spirits were thought to return to the land of the living. It suggests that on such occasions safety, order and the return to 'normality' were marked by acts of purification, presided over by various priesthoods, including the Vestals, who were concerned solely with the purity of the city and its people.

Chapters 2 to 4 explore the various ways in which Roman approaches to bodily pollution played a role in various aspects of religious activity. Yet this raises the question: can this approach help in the study of a specific piece of ancient evidence? Furthermore, to what extent might a single work contribute to the wider social discourse on impurity, not just revealing forms of pollution, but rhetorically shaping and creating them? Chapter 5

offers a reassessment of Cicero's *De Domo Sua* in the light of themes and ideas explored within earlier chapters. The context of the speech also serves to underscore the importance of pollution as a factor in Roman religion. At the same time it demonstrates that throughout the *De Domo Sua* pollution is an important motif that its numerous detractors have failed to appreciate. In a debate over the validity of a religious dedication, the potential impurity of the dedicator (Clodius) appears to have given Cicero a legitimate argument in favour of the shrine's removal. The *De Domo Sua* also highlights the important role of *scelus* in religious matters, while also demonstrating how Cicero could employ such ideas for a focused rhetorical effect. This work was part of an ongoing battle between two sides, both of which could lay claim to a moral and religious highground. Clodius had spoken against the removal of the shrine to Libertas before Cicero addressed his audience, and he appears to have thrown similar accusations at his opponent.⁷ The two sides of this conflict demonstrate the degree to which pollution might be open to interpretation, as well as its fluidity as a concept in the late Republic.

The example of the *De Domo Sua* is one of the most obvious, but the approach of [Chapter 5](#) may be extended, for example, to the *De Haruspicum Responsis*, in which the interpretation of religious judgements offered yet another opportunity to use pollution as a weapon, both for the argument in question and for the wider political conflict between Cicero and Clodius.⁸ A comparable study of a single ancient author's use of dirt and pollution has produced a number of interesting conclusions with reference to late antiquity. Blake Leyerle has discussed John Chrysostom's calculated uses of filth and excrement to condemn decadent and luxurious lifestyles, in which various sins are paralleled with bodily excretions that further pollute both the individual and wider society.⁹ Leyerle's approach covers not just a single piece by Chrysostom, but explores the recurring themes of impurity across his works to great effect.

There are, however, many other potential routes for further investigation. As touched on throughout our study, there is ample scope for exploring pollution within the official pontifical records of prodigies and omens, which offer many insights into how Romans perceived the world around them.¹⁰ Then there is the potential harnessing of supposed 'impure' substances within magical rituals, particularly in rites designed to harm others. How did pollution feature in this scheme? Dangerous substances could be

⁷ For detailed analysis of Clodius' political and religious agenda, cf. Moreau (1982).

⁸ On the *De Haruspicum Responsis*, cf. in particular Kumaniecki (1959: 135–52); Lenaghan (1969).

⁹ Leyerle (2009: 337–56).

¹⁰ See, in particular, Bloch (1963: especially 77–86); Macbain (1982); Engels (2007).

used for beneficial purposes, but they could also be threatening and socially unacceptable, to the point that Pliny felt the need to highlight his deliberate omission of certain material concerning bodily emissions from his work. Was impurity expected of ‘evil’ magicians as much as *castitas* was expected of dutiful religious practitioners? Finally, the limits of this investigation have meant that the emergence of Christianity and the religious developments of the later Empire have not been considered in great detail, but as Leyerle demonstrates, this remains a topic with vast potential. Recent work by Giorgio Scrofani (2010) has revealed this by focusing on the role of religious purity under the emperor Julian, exploring the ways in which Julian attempted to ‘purify’ the empire, removing the religious and moral stains that had emerged during the rise of Christianity.¹¹ Once again, ‘purity’ and ‘pollution’ appear as an ideal means of externalising enemies in a battle where both sides attempted to claim religious and moral superiority. As a pilot for such enquiry, I have briefly considered the ways in which traditional notions of purity and pollution were ‘inverted’ by Christian writers seeking to undermine traditional Roman practices, such as the *taurobolium* and the worship of Jupiter Latiaris. The points raised by these examples suggest that there may be scope for exploring ways in which Christian sources inverted traditional ideas of purity with reference to animal sacrifices as a whole, as well as gladiatorial combats and Christian martyrdoms in the arena.

I hope that the issues raised in this book will provide a number of useful case studies for scholars of religious history and anthropology, as well as those interested in the wider role of pollution across cultures. However, I hope that its most significant contribution will be to the study of Roman religion. While it does not call for a total revision of our views towards religion within the Roman world, I would suggest that it does highlight a new and valid approach to be incorporated into the subject. Both the highest and the lowest in Roman society existed within a well-established order. Purity and pollution helped to define this order, and they remained a major concern for Rome’s religious authorities. Pollution mattered.

¹¹ Scrofani (2010: especially 76–85) on the importance of priests maintaining physical and moral purity, and the protection of divine buildings and spaces.

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